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University of Michigan Publications

HISTORY AND POLITICAL SCIENCE

VOLUME VII

EIGHTEENTH CENTURY DOCUMENTS
RELATING TO THE ROYAL FORESTS,
THE SHERIFFS AND SMUGGLING

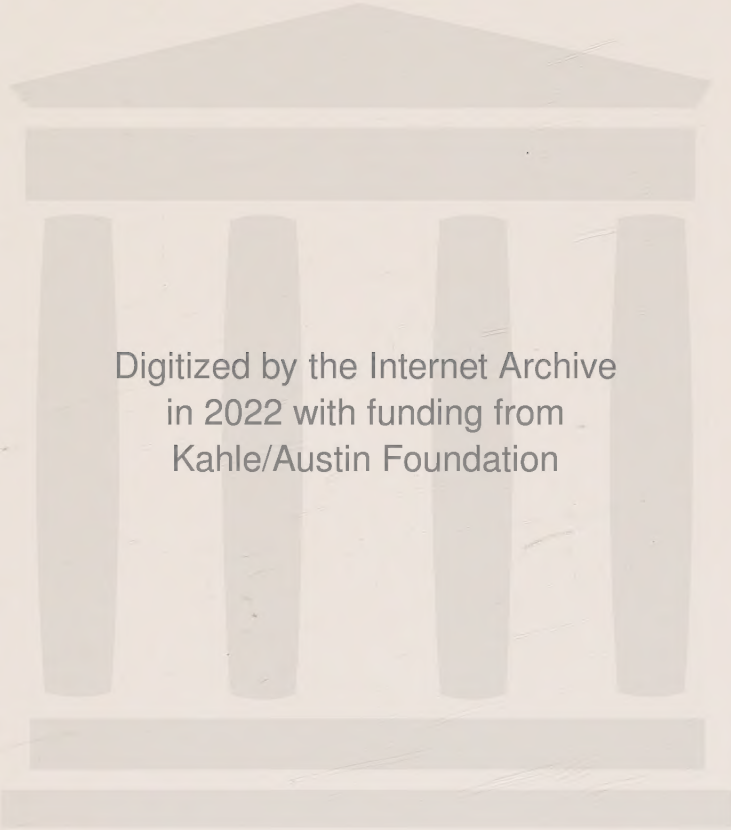
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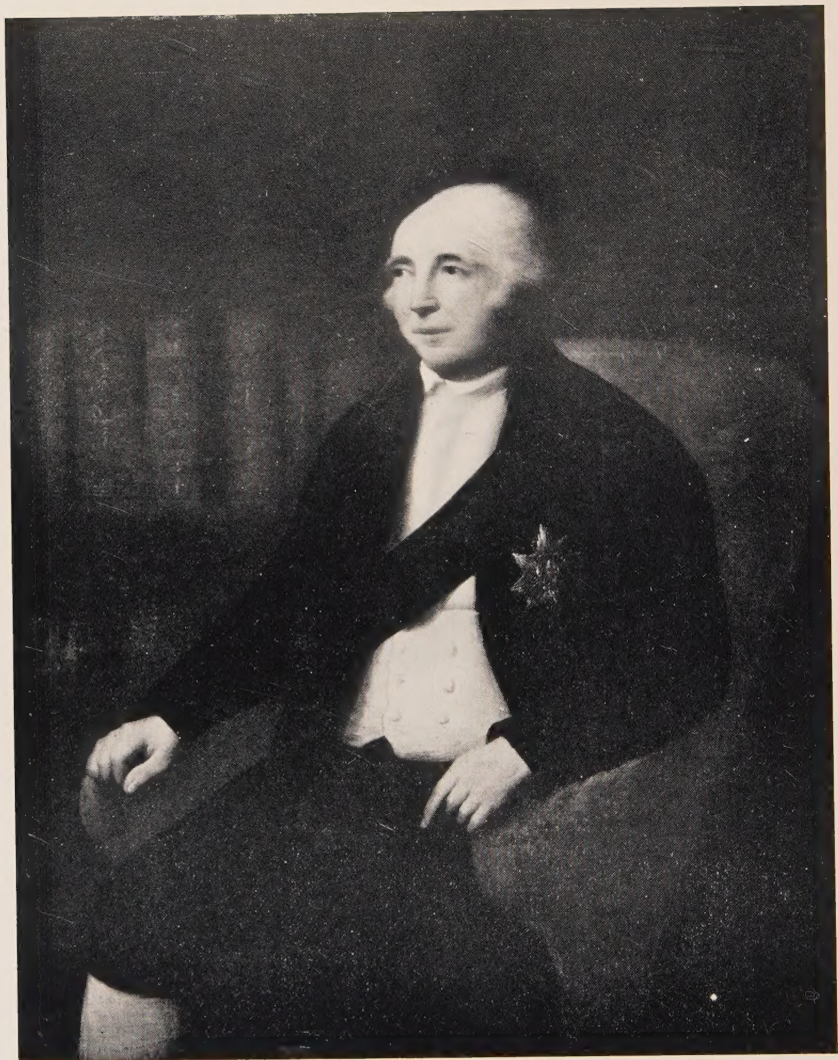
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WILLIAM, EARL OF SHELBURNE

EIGHTEENTH CENTURY DOCUMENTS
RELATING TO THE ROYAL FORESTS
THE SHERIFFS AND SMUGGLING

SELECTED FROM THE SHELburnE MANUSCRIPTS

IN THE

WILLIAM L. CLEMENTS LIBRARY

BY

ARTHUR LYON CROSS

HUDSON PROFESSOR OF ENGLISH HISTORY IN THE
UNIVERSITY OF MICHIGAN



New York

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PREFATORY NOTE

NEARLY two years ago the Committee of Management of the William L. Clements Library were good enough to authorize the editor of the present volume to examine the Shelburne manuscripts and to calendar or report upon their contents in such a manner as commended itself to his judgment. Although, in the meantime, Dr. Clarence W. Alvord published in the *Bulletin of the Institute for Historical Research*, 1, 77-80, under date of February, 1924, a short article on Shelburne and his papers, a brief account of the man and his collection would seem to be not out of place in this introduction. Making free use of the apposite parts of what Dr. Alvord has so well brought together, the editor ventures to call attention to the obvious fact that his predecessor confined his attention largely to the documents relating to America in the field in which he was chiefly interested, while the present survey is concerned chiefly with materials devoted to English history.

Sir William Petty, second Earl of Shelburne and first Marquess of Lansdowne (1737-1805), who assembled the papers, was a notable figure in British political and intellectual life, though by the majority of his contemporaries he was unappreciated, or even regarded with suspicion and disapproval. After a term of military service in Germany he was for a few months in 1763 President of the Board of Trade, and from 1766 to 1768 Secretary of State for the Southern Department. Then followed fourteen years in opposition, toward the end of which he succeeded the elder Pitt as leader of the Chatham Whigs. He served as Home Secretary under Rockingham in 1782 and terminated his official career as Prime Minister in 1782-83. Never again burdened with the cares of government, he spent the remaining twenty years of his life in ceaseless and varied activities; he was a frequent and brilliant speaker in the House of Lords; he devoted

much time to the management of his extensive estates; he cultivated a wide circle of acquaintances among the most distinguished men of his day; he conducted a voluminous correspondence; he assembled an enormous library; and was "a munificent patron of literature and the fine arts." Independent of parties, he held advanced, and, for a nobleman, very disquieting views: while opposed to independence he had favored conciliation with the American colonies; he was an advocate of parliamentary reform, of free trade, of toleration for Roman Catholics; and sympathized with the principles of the French Revolution. Disraeli sought to rehabilitate him in one of the opening chapters of *Sybil* and his descendant, Lord Fitzmaurice, younger brother of the fifth Marquess, has written an exhaustive life which includes fragments of his autobiography (3 vols., London 1875-76; new ed., 2 vols., 1913).

Following the free and easy methods of those days Shelburne (he was not created Marquess of Lansdowne till 1784) took his public papers home with him on his retirement. Keener than most, however, he caused various other documents to be transcribed: indeed on occasion he had as many as four copyists at work simultaneously. Consequently his collection consisted both of originals and copies. The papers purchased by the British Museum from the second Marquess in 1807 and described in the Catalogue of the Lansdowne Manuscripts in the British Museum (1809), deal chiefly with English history previous to the eighteenth century, to which latter period the Shelburne Papers now in the William L. Clements Library particularly refer. These Shelburne Papers — thus to be distinguished from the Lansdowne Manuscripts — remained until recently in the possession of the family at Bowood, where they were calendared in the briefest possible fashion by Lord Fitzmaurice. The calendar appears in the *Historical Manuscripts Commission Reports*, III, 125-147; V, 215-260; VI, 235-243.

A brief but most interesting account of the Earl of Shelburne and his activities in connection with Bowood, the chief country estate of the family, was contributed by the Earl of Kerry to the *Wiltshire Archaeological Magazine*, Nos. 135-137 (Vols. XI-XII).

Had the Commission adopted from the beginning its subsequent policy of printing full abstracts or the entire contents of important documents, it would have been unnecessary even to consider any recalendaring, but the first few reports are little more than a mere enumeration of titles to documents. The Shelburne Papers which fell into this category are described by Lord Fitzmaurice under five main heads:

- I. Vols. 1- 42: Papers relating to continental problems, 1754-1769
- II. Vols. 43- 88: Colonial relations and the Peace of 1783
- III. Vols. 89-100: East Indian affairs
- IV. *a* Vols. 101-135: Home affairs and Parliament; Customs Revenue; Trade, Imports and Exports, etc.
b Vols. 136-155: Army; Navy; War Office; Pay Office, etc.
c Vols. 155-160: Ireland
d Vols. 160-168: Cabinet and Treasury Minutes
- V. Correspondence:
a General
b Family

On the 11th of July, 1921, these were all sold to Mr. Henry N. Stevens for Mr. Clements, except No. IVc and the unbound letters in No. V. On the authority of Lord Fitzmaurice it is stated that "the only papers kept were a few manuscripts and letters of particular family importance or interest, such as the autobiography of Lord Shelburne, and his correspondence with the King. They are fully used by me for my *Life* and are now at Bowood I believe; nor is there any further need for historical students to see them as they are printed." The collection acquired by Mr. Clements comprises one hundred and seventy-two lots or parcels amounting to two hundred and twenty volumes, which include a number of papers found after the Fitzmaurice calendar appeared. Dr. Alvord in his helpful article above cited gives a list of those that have been already printed or that are being prepared for publication, together with the names of scholars who have examined and utilized portions of the collection. Practically all this material has to do with the American colonies and Canada.

Since it seemed not practicable or even worth while to print *in toto* more than two hundred folios, the present editor was con-

fronted with the choice of constructing a somewhat fuller calendar, or of selecting for publication a group of documents that might prove interesting or useful. Having examined Group I, most of II, and substantially all of IV, he decided in favor of the second arrangement and has chosen documents relating to the Royal Forests, the Sheriff and Smuggling¹ with the hope that additional selections may be published in the not too distant future.

In selecting and editing these documents the editor has received valued assistance from many persons. Particularly he wishes to acknowledge his indebtedness to the Custodian of the William L. Clements Library, Dr. Randolph G. Adams, for courteously providing him with every facility for work, as well as helping him with frequent advice; to Miss Frieda H. Wishropp and Miss Elizabeth P. Ranck, and the late Mrs. James A. Kennedy, for coöperation in preparing the typescript and comparing it with the originals, and especially to Dr. Eugene S. McCartney for his exceptional patience and skill in seeing the work through the press.

A. L. C.

¹ They are largely in the nature of reports resulting from a series of investigations set on foot by Lord Shelburne, during his brief tenure of the office of Prime Minister, with a view to simplifying the administration and reducing the expenditure in the public departments. The inquiries into the Crown Lands, the Woods and Forests, the Sheriffs, the Customs and Excise were delegated to Mr. McCall, Mr. Russell, Sir William Musgrave and Mr. Brooksbank. The outcry which was raised offers a further explanation for Lord Shelburne's unpopularity. For a brief account of these premature reforms which required more than one generation completely to achieve, see Fitzmaurice, *Shelburne* (ed. 1912), II, 223-230.

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INTRODUCTION



CHAPTER I

THE ROYAL FORESTS

A WITTY Anglo-Irishman once remarked that the English and the Americans had everything in common, except, of course, language. The term "royal forest," to which so much romantic interest attaches, is an excellent illustration of this epigram. A royal forest though it usually contains tracts of woodland is not necessarily wooded. It is an area reserved for royal hunting and marked by absence of enclosure.

Not a little has been written on the forests, particularly on their characteristics and history during the period, from William the Conqueror to Edward I inclusive, when they played their chief rôle in English public life. Best known of the earlier works is: "A Treatise of the Lawes of the Forest: Wherein is declared not only those Lawes as they are now in force, but also the original and beginning of Forests: and what a Forest is in his owne proper Nature, and where the same doth differ from a Chase, a Parke, or a Warren, with all such things as are incident or belonging thereto, with their several proper Termes of Art. . . . Collected as well out of the Common Lawes and Statutes of this Land, As also out of sundrie learned auncient Authors and out of the assizes of Pickering and Lancaster. . . . Whereunto are added the Statutes of the Forest, a Treatise of the several offices of Verderors, Regardors, and Foresters, and the Courts of Attachments, Swanimote and Justice Seat of the Forest etc." This work in its final form appeared in 1615,¹ five years after the death of

¹ In his "Advertisement to the Reader" the author states that he published first in 1592: "A briefe Collection of the Lawes of the Forest from the Common Law of the Realm," which he printed at his own charge and distributed among his learned friends "to the end that he might have their approbation before he exposed them to public view." The "Treatise and Discourse" first appeared in 1598.

the author John Manwood.² While quaint and picturesque in phrasing and providing not a little useful information, it is fraught with overmuch unwieldy and surplus ballast in the form of scriptural and classical quotations. Moreover, it has been pointed out that, depending too much upon French treatises on hunting, Manwood has introduced customs and practices which did not prevail in England. The best compendious modern work is: *The Royal Forests of England*, by John Charles Cox, Lond., n.d. (1905), in a series of "Antiquarie's Books," edited by the author. Meantime, in 1901, Mr. G. C. Turner edited for the Selden Society *Select Pleas of the Forest*, devoted largely to the thirteenth century. This is a valuable contribution to which Cox acknowledges much indebtedness. The main sources—the *Placita Forestae* and others—are enumerated in Cox's preface, though he should have included the valuable and interesting items in the *Calendars of State Papers*.

Manwood's definition of a forest is phrased with such a fine Old World flavor that it is a pity to find it inaccurate, with the necessity of resorting to the more prosaic substitute formulated by Cox: "A portion of territory consisting of extensive waste land, and including a certain amount of both woodland and pasture, circumscribed by definite metes and bounds, within which the right of hunting was reserved exclusively to the King, and which was subjected to a special code of laws administered by local as well as central ministers."³

Apparently Anglo-Saxon kings reserved tracts for royal hunting; and the name *swanimote* as a designation for one of the chief forest courts seems to indicate that there was a customary forest law even before the Norman Conquest, although the genuineness of the *Constitutiones de Foresta*,⁴ accepted by Palgrave and Kemble, has been doubted by later writers like Freeman and Stubbs,

² Fuller, in his *Worthies*, erroneously ascribes the work to Sir Roger Manwood (1525–92), a barrister of Lincoln's Inn, a gamekeeper of Waltham Forest and a Justice of the New Forest. *Dictionary of National Biography* (1st ed.), XXXVI, 108.

³ *Royal Forests*, p. 1.

⁴ The *Constitutiones* may be found in the *Ancient Laws and Institutes of England*, Record Com. (London), 1840, I, 426–430.

who were anticipated in their scepticism by the ordinarily gullible Coke. The extensive afforestations, as is well known, began with William the Conqueror. The royal power in this respect, and its doleful consequences for the subject, are pithily described by Manwood: "It is plainely shewed," he writes,⁵ "that the King then might and yet may also make a Forest in every place where he pleaseth as well in the lands and inheritance of any of his subjects, as in his owne demeanes lands and inheritance, which was a great losse and hinderance to those that were owners of those lands that were so afforested. For after the same was so afforested, their pastures and profits of their lands was devoured by the wild beasts of the King without any recompense for the same to be made unto them."

William and his sons were passionately fond of hunting though it was a fatal sport for their family, since three of the line met their death while engaged in their favorite pursuit. Many will recall the lady in *Cranford* who enjoyed peculiar social prestige because of her reputed descent from Walter Tirel who was supposed to have shot the arrow that put an end to William Rufus. Hunting was a sport of Olympian exclusiveness. To cite Manwood again: "The auncient Lawes of this Realme having always had a speciall regard into the continuall studie and care that Kings and Princes have in great and weightie affaires of matters of Commonweale, for the good of their Subjects, whereby they are oftentimes wearied with the toyle of the same, in respect thereof, the same Lawes have given unto them diverse royall prerogatives and princely prerogatives of most noble and princely pleasure to recreate themselves with all, to put away from them the remembrance of their laboursome toyle. Amongst which prerogatives, the royall prerogative of the libertie of a Forest is not the least: For, a Forest both is and hath beene alwaies accounted a franchise of such a noble and princely pleasure, that it is not incident unto any subject of this realm to have the same, but only unto the Crown and royall dignitie of a Prince." But

⁵ Preface, pp. v-vi, citing *Liber Rubeus* and the *Forest Laws of Henry II*. No man might hunt or hawk even on his own land in the regard of a forest unless he had a license from the king. Manwood, *op. cit.*, p. 125.

there were more substantial advantages than mere recreation that made successive kings, from William I to Edward I, cling so tenaciously to their forests. These benefits may be grouped under three main heads. In the first place, it brought all those who dwelt within the pale of the forests under a special law administered by courts peculiarly under royal control and freed, to large degree, from the hampering restrictions of the common law.⁶ Secondly, what with wardens, keepers, verderers, regards, rangers, the sovereigns were provided with a formidable force of officials and armed followers exceedingly serviceable in the absence of a standing army. Thirdly, a very appreciable revenue was derived from court fees and fines; rents from agistment, or pasturing cattle; from pannage or masting swine;⁷ from chiminage; from fees for grants for cutting wood; for burning charcoal in itinerant forges used in smelting; for digging peat and marl and for quarrying.⁸

Perhaps it might be worth while to indicate briefly the names and functions of the various courts that administered the special forest law. Every three years a survey was supposed to be made and answers given by a body of twelve or more knights called regards; they were supposed to inspect the officers; to report offenses and defaults; unlawful hunting or poaching; waste or cutting down trees, covert or thickets; assarts, or rooting up trees; and purpresture, or encroachments for building and the like. These were brought usually before the Forest Justice in Eyre at a Justice Seat; though such eyres came to be held rarely more often than once in seven years, generally at long and infrequent intervals. Indeed in one case, in the Forest of Pickering, over fifty years elapsed between two eyres or circuits — from 1280 to 1334 — yet that was after the activities of the higher

⁶ A report of a gale in 1222 mentions forty-one forests, while extracts from the patent and close rolls of Henry III note some twenty-five more. Thus at the period when the forest area was about at its maximum there were close to seventy royal forests among the best known of which were Dean, Sherwood, the New Forest and the Peak of Derbyshire. Cox, *Royal Forests*, p. 31.

⁷ Geese, goats, sheep and swine were not communable though swine were allowed to run in the woods and feed on acorns. Manwood, *op. cit.*, p. 82.

⁸ Tanning was prohibited as "detrimental to the deer."

forest courts were on the decline. Grievous oppressions and restrictions weighed heavily on the subject previous to Magna Carta and the Charter of the Forests of 1217, indeed even after that time, though it is said that by the thirteenth century the administration of the laws against poaching was less severe in the royal forests,⁹ than that by common or manorial law for poaching in a park. There were two types of pleas: vert and venison. Venison of course related to offenses against the beasts of the forest, while vert concerned damage to timber, unlawful cropping and felling of trees and fraudulent selling. Many striking cases are reported in the seventeenth century in the *Calendars of State Papers* and in the eighteenth century in the documents printed below. Not a few complications were caused, especially during the Middle Ages, from the fact that a man might not cut wood, even on his own land, within a forest area without a royal license.

In addition to general eyres there were certain special inquisitions erroneously called *swanimotes* or *swainmotes*. As Cox points out, the terms swainmote, attachment and woodmote as designations for the lesser courts were frequently used interchangeably — at least in the later period. Strictly speaking the swanimote was a court held three times a year: fifteen days before midsummer the beginning of “fence month” — the period when the does usually dropped their fawns — at which time the agisters excluded cattle from grazing; fifteen days before Michaelmas when arrangements were made for new agisting; and at Martinmas when pannage was collected. The Court of Attachment, properly so called, was supposed to meet every six weeks, hence it was spoken of as a forty day court.¹⁰ Its main duty was “to receive attachments and enter them on the verderer’s rôles,” and to deal with minor offenses relating to vert. Originally this court had no jurisdiction over venison; but in course of time it

⁹ However, there was one feature of greater severity: there were no accessories; all were principals in a forest trespass. Manwood, *op. cit.*, p. 115 (143). Moreover, there were all sorts of burdens and oppressions to which those who came into contact with the forest laws were subject. For a brief survey see J. S. McKechnie, *Magna Carta* (ed. 1905), pp. 493–501.

¹⁰ An offender could be attached in three ways, by his body, by his goods or by pledges, the latter process being known as mainprize.

frequently came to take pledges for the appearance of poachers and other culprits at the next general eyre — if perchance they were still alive. The confusion of the courts was sometimes due to the fact that attachments were also made at the real swanimotes.

The forest officers are described by Manwood, by Cox, Turner and other writers. The chief officer appears under a variety of names in different forests — keeper, warden, steward, chief or master forester. In addition, there were verderers — usually four for each forest — who received and enrolled attachments for vert or venison trespass, who acted as understudies to the chief forester, and tried minor cases. According to Manwood, they “ought to be Esquires or Gentlemen of good account, abilitie and living which are wise and discreet men, and well learned in the Laws of the Forest.” While the foresters had both pay and perquisites the verderers received neither. Woodward was primarily agent of owners of private property within the area of the forests, though they often acted as king’s foresters as well. Rangers were a later development and administered such modified forest law as prevailed in the purlieu or pourallees.

Manwood, writing when forest law was decaying and relying chiefly on foreign treatises, went rather astray in his attempts to classify the venison or beasts of the forests. Mr. Turner, from his study of the forest rolls and other records, finds the following four kinds of king’s game: the red deer (of which the hart and the hind are respectively the male and the female); the fallow deer (buck and doe); the roe¹¹ and the wild boar.¹² The wolf should not be included. Vermin, or beasts of the warren, do not fall within the scope of this inquiry. Even in cases where hunting was not limited to monarchs it was very rigidly restricted to

¹¹ These various types of deer had different names applied to them at different stages of their growth. There is a helpful table in Cox, *Royal Forests*, p. 27, from R. B. Turton, *Honor and Forest of Pickering*. In 1538-39 it was estimated that there were 6352 fallow and 2067 red deer.

¹² The boar survived in a wild state in England as late as the reign of Charles II. Wolves became extinct in the time of Henry VII. Packs existed in Ireland till 1710; the last single survivor was killed in 1770, while in Scotland the last one was disposed of in 1743.

the aristocratic classes.¹³ Only the notable and favored individuals were allowed to have unlicensed dogs.¹⁴ Manwood couches a legitimate grievance in decidedly undemocratic language when he laments that within the metes and bounds of the forests in the neighborhood of London "meane men of no account" destroy and carry away game even at "unseasonable" times. Unfortunately, irregularities were, on occasion, connived at by officials of high degree. One sheriff used to boast of the number of poachers whom he got off after they had been arrested by the keepers. In return for his gracious aid his table was constantly supplied with venison.

The laws from early times contain stern enactments for the preservation of timber or vert — the inclusive term for trees and underwood. Originally the object was to shelter game, but later an increasing importance was attached to the wood of the forests as sources of supply for shipbuilding. This is evident in a series of statutes beginning in 1543, in the *Calendars of State Papers* and in some of the documents printed below. There are numerous cases, in the eyre rolls, of "connivance" of the forest officers in offenses against the vert. In Needlewood in Staffordshire it is reported that eight hundred and forty-one loads of wood were removed in a single year (1541).¹⁵ For one thing the game of bowls caused a considerable demand for maple. Although the dissolution of the monasteries brought an end to their privileges, there were other individual owners and tenants who claimed house bote, fire bote and hay bote, while much of the monastic land that fell to the Crown was regranted to supporters and favorites, with attendant claims.

¹³ Those interested in curious hunting lore will find a list of titles in Cox. The oldest which appeared in England is in Norman French, *Le Art de Veneries*, and was written about 1325 by William Twici, a huntsman of Edward II. The oldest written in English is *The Boke of St. Albans*, by Dame Juliana Berners, which dates from 1486. The aristocratic character of the sport is reflected in such titles as *The Noble Art of Venerie*, by George Turberville, 1575, and *The Gentleman's Recreation*, by Richard Blane. A very soothing work, if one may judge by the title, is Gervase Markham's *Country Contentments*, 1615.

¹⁴ Lawing or expedition or hambling of hunting dogs consisted of cutting off three claws from the ball of the front feet.

¹⁵ Cox, *op. cit.*, p. 141.

Kings were very reluctant to let go any land which they had acquired for hunting and all the accompanying privileges already enumerated. Henry I in his famous Charter of Liberties wherein he made many concessions declared that "the forests by the common consent of my barons, I have retained in my own hand, as my father held them."¹⁶ John, in Magna Carta, would go no further than to agree that, "all forests which have been afforested in our time shall be disafforested immediately,"¹⁷ but the Forest charter of Henry III, c. 1, provides for the disafforesting of all forests created not only by John but by Richard as well. Repeated perambulations were made to carry out this promise in the reigns of both Henry III and Edward I, but the findings were hotly disputed.¹⁸ Finally a perambulation of 1299-1300, confirmed by a parliament at Lincoln, established the boundaries of the royal forests as they continued to exist for centuries, in spite of the fact that Edward I secured from Clement V a bull in 1305 revoking the concessions of 1301 on the ground that they had been wrung from him under pressure.

When Henry VIII afforested districts about Hampton Court in 1540, and when Charles I established the Forest of Richmond in 1634, they found it necessary to proceed with the consent of Parliament and to compensate the land owners affected.¹⁹ Nevertheless, royal rights bore heavily on twenty counties in Tudor times. Between 1633 and 1637 Charles I, through his Attorney-General Noy, made various ill-starred attempts to revive old forest claims, not with the idea of recovering the land but with the aim of securing money fines for alleged encroachment. This

¹⁶ Wm. Stubbs, *Select Charters*, p. 101, c. 10, (ed. 1890).

¹⁷ *Magna Carta*, c. 17.

¹⁸ McKechnie, *Magna Carta*, pp. 508-510.

¹⁹ McKechnie, *op. cit.*, pp. 510-511. The Act of 1540, 41 H. VIII, c. 5, which "decorated the manor of Hampton Court with the name and title of Hampton Court," declares "and because the King had afforested the lands of divers other persons to their prejudice and hinderance, hee of his princely Clemency, to shew his most gracious benigntie toward the owners of the same ground was contented to covenant with them to allow them certain privileges in recompense thereof:" e.g. to cut wood within the precincts without license and "to make great fences and hedges about their corn to keep them from the deer."

proved bad strategy in view of the impending Civil War, since it alienated a class on which the sovereign depended for his chief support.²⁰ Under the Commonwealth a Commission, operating under a Remedial Act of 1641, recommended that the forests should be sold, though the Act itself simply provided "that the old perambulations of the forest in the time of King Edward the First should be thenceforth holden in like form as it was then ridden and bounded,"²¹ and apparently no great amount was disposed of. It is estimated that there were still some sixty-eight forests in the eighteenth century, though probably with more or less reduced boundaries. Toward the end of the eighteenth century increased attention was given to the importance of the forests with the increased need of timber for the maintenance of the navy. Commissioners were appointed to inquire into the condition of the woods and forests belonging to the Crown who, between 1787 and 1793, rendered seventeen reports, seven general and the remainder on special forests, of which the best known are New Forest, Dean, Sherwood and Waltham.²² These investigations uncovered extensive and far reaching abuses: "endless unlicensed enclosures had been effected; iniquitous transfers were made under colour of sale; timber was stolen, mines neglected, plantations mismanaged; officers had transformed themselves into owners; and there were only twenty forests which could supply timber for the navy."²³

But the forests had also during the century been haunts of grave disorder. For example Waltham Chase, Hants, was notorious for a gang of deer stealers who, from their peculiar method of disguising their faces, were known as "Waltham Blacks," a name that came to be applied to marauders in other areas. In 1722 an

²⁰ The story is told in some detail in S. R. Gardiner, *History of England*, VII, 363; VIII, 77, 86, 282.

²¹ McKechnie, *op. cit.*, pp. 501, 502, 511, citing 16 Chas. I, c. 16.

²² Cox, *op. cit.*, pp. 84-85. These reports of the Commissioners, "appointed to enquire into the State and Condition of the Woods, Forests and Land Revenues of the Crown, and to sell or alienate Fee Farm and other Unimprovable Rents" may be found at length in the *House of Commons Journals*, especially for 1787-88, pp. 559-632; 1788-89, pp. 552-639; 1790, 120-180; 1790-91, pp. 97-125; 1792, pp. 141-374, 833-1023, 1031-1061; 1792-93, pp. 467-604.

²³ Low and Pulling, *Dict. of Eng. Hist.*, p. 469.

act known as the Black Act was passed to deal with the situation: forty of these night prowlers were secured and tried before a special assize at Reading, four were hanged in chains, and several were transported.²⁴ Many gentlemen even regarded it as a brave diversion to defy the restrictive game laws, which, until Lord Althorp's Act of 1832, prohibited a man from hunting even on his own land unless he possessed a freehold estate worth £100 a year or a £150 leasehold.²⁵ There are records as late as 1780 of bloody night forays, with armed conflicts between the king's officers and "gentlemen" who indulged in this "rude Gothic amusement."²⁶ By 7 George III the special criminal law of the forest was to a large extent repealed, although the officers of justice and warden of the forests were not abolished until 1817.²⁷ Several statutes were passed during the nineteenth century with the aim of introducing a better system of forest administration; for example, by the Consolidating Act of 10 George III twelve of the twenty existing forests were reënclosed and replanted. A commission, appointed in 1838, succeeded ultimately in operating at a profit eight of the forests which had been running at a loss. Some more were sold, for example, Sherwood to the Duke of Grafton; Windsor was opened to agriculture, and Epping Forest was turned into a public park. The few remaining forests still belong to the Crown,²⁸ though they are administered by a body under parliamentary control — the Commissioners of Woods and Forests.²⁹

²⁴ Cox, *op. cit.*, pp. 79 ff.

²⁵ The various game laws are brought together in Richard Burn, *Justice of the Peace*, under the appropriate alphabetical heading.

²⁶ Cox cites on this exciting aspect of the subject Chafin, *Anecdotes of Cranborne Chase* (1818).

²⁷ 57 Geo. III, c. 16.

²⁸ The last instance of purveyance of venison for the royal household was in 1640 in the reign of Charles I. Cox, *op. cit.*, p. 78. On the other hand the pleasant ancient custom still continues of sending in July and at Christmas the carcasses of fat bucks and does from the Crown preserves in Richmond Park to various dignitaries in the City of London — the Lord Mayor, the Sheriffs, the Recorder, Chamberlain, Town Clerk, Common Serjeant and Remembrancer. *London Times* (weekly ed.), 31 Dec., 1925, p. 530.

²⁹ This is brought about by various acts culminating in 14-15 Vict. 42. McKechnie, *op. cit.*, p. 502.

If the foregoing introduction has achieved its purpose the documents printed below require little further comment, even for the benefit of those not hitherto familiar with the subject. While somewhat disconnected in character they combine to throw considerable light on conditions subsequent to what may be found printed in the seventeenth century *Calendars of State Papers* and previous to the reports of the Commissioners issued toward the end of the eighteenth century. The first document selected dates from 1766 and deals with the question of "Inclosing some of His Majesty's Forests." After a brief historical introduction it states the object of the survey of 1766, namely "a study of certain selected forests as seem best fitted for experiments in inclosing"; reasons for and against inclosing are discussed (pp. 40-44), a preference is expressed for small over large farms, the paucity of agricultural laborers is pointed out, as well as the desirability of immigrant farmers, especially foreign Protestants. Then follows a description of particular forests. The report on Dartmoor by the auditor of the Duchy of Cornwall throws light on bygone manorial customs and illustrates quaint old usages (pp. 60-65).

Here and there through the various papers are striking indications of forest abuses. In the report of W. Masterman, Clerk of His Majesty's Duchy and County Palatine of Lancaster, to the Rt. Hon. Henry Seymour Conway, there is, among other things, an account of how Enfield Chase and Epping Forest came into the possession of the Palatinate of Lancaster. In this document, also, there is a grant from Charles II, in 1675, by letters patent conferring upon Henry Coventry the office of Master Forester and Keeper of Enfield Chase, typical of the form of such appointments. The Duke of Bedford's letter of 1768 (pp. 112-117)³⁰ is so frank on the subject of graft or incompetence, or both, that it is a source of regret that the more detailed Report of 1751, to which he refers, is not to be found in the collection. The suit in the Court of Duchy Chamber (pp. 74-99) against the Marquess of Carnarvon and Israel Ialabert, provides further graphic particulars as to restrictions and how they were evaded. The letters regarding timber oak, 9 August, 1768, and following (pp. 100-103),

³⁰ It is reprinted in the *House of Commons Journals* for 1788-89, p. 611.

show the growing apprehension of the purveyors regarding the scarcity of that essential commodity, especially for shipbuilding, and includes their recommendations for meeting the situation.³¹ Following a report of a Committee of the House of Commons, in the year 1771, a series of queries was sent to the purveyors of the various navy yards. These and their appended answers furnish further interesting information on the subject, and are early forerunners of that modern far from unmixed blessing — the questionnaire.³²

Among the other reports included in the present collection, that to the Navy Board, 15 May, 1769, relative to Dean Forest, is peculiarly concrete and vivid (pp. 103-104). The copies of the "two curious letters" of 1770 are unsigned; but one was written by a "gentleman of fortune and landed property" in Sussex, who appears to have owned the estates of Roundhurst and Woolhurst and to have been a son-in-law of one Mr. Stone of Hartshurst. The opinion of the Attorney- and Solicitor-Generals, of 1772, reveals matters of interest concerning the land revenues of the Crown and the Royal Forests, while the names of the king's legal officers are well, if not in all respects favorably, known to students of history. A patent to a surveyor-general, John S. Johns (pp. 146-148), indicates the duties and perquisites of that office. The last document in this group (pp. 148-161), by "a Scotch Gentleman," does not relate to the forests, but is of value as reflecting contemporary agricultural views and conditions. My colleague, Professor Van Sickle, calls attention to an apparent anticipation of the modern doctrine of a just price.

³¹ This whole subject of timber for ships, with particular reference to the royal navy, is ably treated by Professor Robert G. Albion in *Forests and Sea Power*, which appeared after the material in the present volume had been prepared for the press. The third chapter on "England's Diminishing Woodlands," together with the extensive and critical bibliography, is of particular value in connection with the royal forests in the eighteenth century.

³² For the full text of this "Report from the Committee appointed to consider how His Majesty's Navy may be better supplied with Timber," dated 6 May, 1771, see *Reports from Committees of the House of Commons*, Vol. III (*Miscellaneous*; 1771 to 1773), pp. 13-53. The "two curious letters" referred to, Introduction, p. 14, are reprinted in this Report, pp. 128-134.

CHAPTER II

THE SHERIFFS

ALTHOUGH not a little has been written on the sheriffs in the constitutional and in many of the general histories of England and although a few special studies have appeared, they relate almost exclusively to the early period.¹ The first notice of the *scir gerefa* or shire reeve appears in Alfred's Laws, A.D. circa 890, cs. 22, 34. Apparently the sheriff's original and primary function was to act as the agent in managing the estates of which the king was landlord; but, in the passages above cited, it was

¹ In addition to the brief treatments in the constitutional and in most of the general histories of England the following more special works are particularly useful: "Lists of Sheriffs for England and Wales, from the earliest Times to 1831:" Public Record Office, Lists and Indexes, No. IX. Rolls Series. London, 1898. Charles Gross in his indispensable *Sources and Literature of English History* (2d ed., London, New York, etc., 1915) also cites various local lists. *Dialogus de Scaccario*: The best edition is edited by Arthur Hughes, C. G. Crump, and C. Johnson, under the title *De Necessariis observantiis scaccarii dialogus*, commonly called *Dialogus de Scaccario*. Oxford, 1902; there is also a good Latin text of extracts with notes in Stubbs' *Select Charters*, pp. 199-241 (9th ed.), Oxford, 1913. The best available translation is in E. F. Henderson, *Select Historical Documents of the Middle Ages*, pp. 20-134, London, etc., 1892; the second book describes how the accounts of the sheriff were rendered to the Exchequer. Two works on this subject are: Hubert Hall, *Antiquities and Curiosities of the Exchequer*, London, 1891, reprinted 1898, and R. L. Poole, *The Exchequer in the Twelfth Century*, Oxford, 1912. The Subject is also dealt with in Sir James H. Ramsay's *A History of the Revenues of the Kings of England*, 2 vols., 1925. Mathew Hale: *A Short Treatise touching Sheriff's Accounts*, London, 1682; another ed., 1716. Walter Parow: *Compotus Vicecomites*, Berlin, 1906. E. F. Turner: "The Sheriff's Farm," *Roy. Hist. Soc. Trans.*, new ser., XII, 117-149, London, 1898. Michael Dalton: *The Office and Authoritie of Sheriffs*, 1623; another ed., 1700. W. A. Morris, "The Anglo-Saxon Sheriff," *English Historical Review*, Jan., 1916, pp. 20-40. Professor Morris has been for some time engaged in writing a history of the English sheriff. In 1926 he published a scholarly little work entitled *The Early English County Court*.

decreed that he might preside in the folkmoot in place of the ealdorman;² moreover, the same passages seem to indicate that he exercised police and administrative duties in addition. During the Anglo-Saxon period his powers increased steadily with those of his royal master. In Edward's Laws, c. 920, he appears as a "primary" judge in all criminal matters in the local courts.³ By the time of Cnut justice was administered in the counties by the sheriffs with the bishops contributing the weight of their learning, while the ealdormen or earls administered larger areas including groups of counties.⁴ During the Anglo-Saxon period the sheriff was rarely ever in charge of more than a single shire and never more than two, and the office was in no case hereditary,⁵ as was the case with the earl against whom he was employed by the Crown, to some extent as a check. He received certain perquisites and fees,⁶ though probably at first an appreciable part of his income was derived from royal estates,⁷ and on journeys he received free entertainment.

After the Conquest the shires came, in most instances, to be called counties and the sheriffs vice-comites, or the representatives of earls. These latter became purely honorary titles, except in the palatine counties, though for some time the earls continued to receive the third penny from the fees of the county courts. Henry I restricted the sheriffs' influence in three ways. He re-

² Sir James Ramsay, *Foundations of England*, I, 265-266. However, it should be born in mind that the sheriffs simply presided, while the judgment or form of test was found by the whole body of suitors entitled to attend the court.

³ *Ibid.*, p. 278, citing Laws, I, introd., and II, cs. 2-8.

⁴ *Ibid.*, citing the Charter of Cnut (1020), Stubbs' *Select Charters*, pp. 75, 76. This is no doubt true though it is not clearly born out by Ramsay's citation. By the Laws of Athelstan the Sheriff is definitely recognized as the king's chief officer in his district. *Ibid.*, I, 293.

⁵ After the Conquest some of the sheriffdoms did become hereditary, and one granted by John, Westmoreland, was continued till 1849, when hereditary sheriffdoms were abolished by 13 & 14 Victoria, c. 30. In this county the office was at one time held even by a woman.

⁶ For the controversy over the "sheriffs aid" see Stubbs' *Constitutional History*, I, 499-500; Round, *Feudal England*, p. 497; Ramsay, *Angevin Empire*, pp. 37-38.

⁷ "Reevelands" in Herefordshire are referred to in Domesday. Ramsay, *Foundations of England*, I, 525-526.

moved Crown pleas to the Curia Regis⁸ and he began to send out itinerant justices, or justices in eyre, to hold pleas in the county courts; moreover, he frequently selected as sheriffs men close to the royal court. Nevertheless, many of the sheriffs developed such strong local interests and power, and proved so oppressive in exercising it that Henry II felt constrained to hold an "Inquest" or official inquiry in 1170, as a result of which several were removed and others substituted who, if not less exacting, were more amenable to the royal will. Two further restrictions on their judicial activities were imposed in the reigns of his sons Richard and John. By the "Iter of 1194" they were prohibited from acting as justices in their own shrievalty or in any county which they had held since the accession of Richard.⁹ By clause 24 of Magna Carta, they were forbidden to hold pleas of the Crown in any case.¹⁰ Thus, at the turn of the twelfth century, the office of sheriff had begun to decline.

At the apogee of their power their functions were threefold: judicial, military and administrative. They presided over the county court: twice a year, by what came to be known as the sheriff's tourn, they travelled about the hundreds viewing the frank pledge,¹¹ and, after the establishment of the presentment jury,¹² receiving indictments. Gradually they lost most of their judicial powers to the itinerant justices and their successors, the assize judges, and to the justices of the peace.¹³ As military and

⁸ The ordinance is in Rymer's *Foedera*, I, 12, and Stubbs' *Select Charters* (ed. 1890), pp. 103-104 — cited by Ramsay, *Foundations of England*, II, 322-323.

⁹ For the Latin text of the "Iter of 1194" see Stubbs, *Select Charters* (ed. 1890), pp. 258-263. There is an English translation in Adams and Stephens, *Select Documents*, pp. 29-33.

¹⁰ For Latin text, English translation and commentary, McKechnie, *Magna Carta* (ed. 1905), pp. 358 ff.

¹¹ While there are accounts in most of the constitutional histories this subject is most thoroughly treated in W. A. Morris, *The Frankpledge System* (New York, 1910).

¹² Pollock and Maitland, *English Law*, I, 152, II, 519, and index. For a fuller development of Maitland's views, see *Select Pleas in Manorial Courts* (Selden Soc.).

¹³ For the justices of the peace see Holdsworth, *History of English Law* (ed. 1922), I, 286-298. The Statute of Gloucester of 1278, curiously interpreted, deprived the county courts of all jurisdiction in cases of over 40 s;

police officers they led the *posse comitatus* or local levy. Their functions as military leaders were largely taken over by the lords lieutenants of the counties during the fifteenth century.¹⁴ With the rise of Parliament in the thirteenth and fourteenth centuries the sheriffs acquired various new duties, notably as returning officers. But, in view of the document printed in this collection, it is the financial aspects of their work that are of most immediate interest. They are described at considerable length in the "Dialogue concerning the Exchequer," in the monographs of Hubert Hall and R. Lane Poole, and in most of the constitutional histories.¹⁵ The sheriff supervised letting, the stocking and the collecting of the king's lands in his district; also he collected and paid into the royal coffers the king's share of fines and fees from the local courts. Soon after the Norman Conquest, if not before, he rendered a lump sum known as the sheriff's *ferm*. However, during the course of the twelfth century his financial duties became much more varied and complicated. In the words of G. B. Adams: "The sheriff was allowed credit for expenses which he had incurred by written order and for the income of those royal manors once making part of his ferm which the King had given away. He was charged with the amount of his ferm, with the amercements in king's pleas which were not included in his ferm but noted in the records of the justice; with the income of escheats, and of lands falling to the king not included in the ferm, and with debts which he had been directed to collect, including

see Pollock and Maitland, *English Law*, I, 553-554; Maitland, *Constitutional History of England*, p. 132. The criminal jurisdiction of the sheriff was taken away by I Ed. IV, c. 15. The judicial activities of the hundred courts that fell into private hands continued longer and to a greater degree than is commonly believed, Cross, "Legal Materials as Sources for English History," *American Historical Review*, XIX, 766. The subject is more fully treated in Sidney and Beatrice Webb's monumental *English Local Government* (6 vols., 1906-8).

¹⁴ The statutes conferring military duties on this new official are enumerated in Prothero, *Select Statutes*, Introd., pp. cxix-cxxi, 154-162. The best recent treatment of the subject is by Gladys Scott Thomson, *Lords Lieutenants in the Sixteenth Century*, London and New York, 1923.

¹⁵ The best brief references are in G. B. Adams, *Constitutional History of England*, pp. 18, 47, 59, 91, and Ramsay, *Foundations of England*, II, 325-328.

sums paid to the king for favors and exemptions. He also accounted for reliefs which had fallen due within the year, and for lands in wardship. From the accounts thus rendered the general record of the year was put into permanent form, making the series which we call the Pipe Rolls."

Twice in the year the sheriff, at Easter and at Michaelmas, appeared before the great officers of state assembled in the Exchequer and, with the primitive counters then in vogue, balanced his accounts. At Easter a preliminary payment on account was made, known as a *profrum*, on the total of his obligations or *corpus comitatus*. This preliminary audit was designated the *visus compoti* or "view of account," as distinguished from the final *compotus* at Michaelmas. The sheriff was given a receipt or tally in the form of half a stick, with notches to indicate payments credited to him. It was split lengthwise, and the other half, known as the counter-tally, was deposited in the Exchequer. There is an excellent succinct description of the twelfth century procedure by Sir James Ramsey, who goes on to state that: "The liabilities of an out-going sheriff were taken over by his successor, in consequence whereof the Pipe Rolls in time became overloaded with entries of bad debts, hopelessly lost, but still carried forward religiously from year to year, with the stereotyped answer on the part of the sheriff, *Nihil, quod inde nihil habuit* ('Nothing paid in because he received nothing')." Apparently "every technicality, every legal presumption ran in favour of the King and against the accounting party."¹⁶ The sad situation recorded in these early centuries had scarcely improved by the eighteenth, as the readers of Russell's report will see for themselves. The tenure of office of the sheriff was limited to one year by the Provisions of Oxford, a restriction which was repeated by subsequent statutes of Edward III and Richard II, though, as has been seen, it was not observed in at least one county. At first appointed by the king, they seem for a time to have been elected by the freeholders in the county court. For a very long while, however, it has been the custom for lords lieutenants of each county to send to the sovereign a list of three

¹⁶ Ramsay, *Foundations of England*, II, 325.

names; this on the eve of St. Martin's Day, i.e., 10 November,¹⁷ he pricks at random with a bodkin and the man whose name the implement happens to pierce is made sheriff for the ensuing year. The cutting of the country into single member constituencies has rather lessened the importance of the sheriff as a returning officer;¹⁸ although he still has charge of the execution of criminal and civil processes, his functions are discharged mainly by deputy.¹⁹

The treatise printed below was prepared by the command of Lord Shelburne at the time when he was Prime Minister with a view to extricating the local finances from "a strangling embroglio of coiled nonsense," if one may borrow Carlyle's picturesque phrase, applied to the work of Frederick William of Prussia. The part relating to the origin and early history of the office would not be acceptable in all respects to modern historians; but this can be checked by the introductory sketch which the editor trusts is in accord with prevailing views. The author's outline of his proposed method of treatment is well summed up (pp. 165-167). His reference (p. 166) to "the several formalities observed in giving in Charge and accounting for . . . Casual Revenues, according to the ancient Course of the Exchequer and still adhered to (altho' the original Causes for those Formalities, as well as their good Effects, have long since ceased)" would apply to more than one English institution. This would apply also to the mildewed sinecures mentioned further on (pp. 231-232). The whole account, together with the tables in the appendixes, furnishes a detailed and vivid picture of the sheriff's financial duties and problems which, compared with the procedure described in the *Dialogue* of the twelfth century, shows how tenaciously most of the quaint but outworn and cumbersome practices had clung to life in the local areas. "The Heads proposed for a Bill in Parliament" (pp. 191-197) outline a reasonable scheme of reform which was not too speedy in being achieved.

¹⁷ Previous to 24 Geo. II, c. 48, the ceremony took place on the morrow of All Souls' Day.

¹⁸ He still retains that office. Lowell, *Government of England* (ed. 1910), I, 220.

¹⁹ By 3, 4 Wm. IV, c. 99, he is compelled to appoint one.

CHAPTER III

SMUGGLING

AT THE present time, particularly in the United States, the subject of smuggling is one of more than merely academic concern. However, it has flourished in many countries at various times whenever proving sufficiently profitable. The American Colonists, to say nothing of evading the British trade laws, were even accused of selling supplies to the enemy during the French and Indian War. Up to the eve of the World War travelers in the Italian lake district could see at night searchlights aiming to detect desperate folk tempted by the high duties on tobacco and coffee. In the United States liquors and aliens have lured not a few into a dangerous but profitable pursuit. This introduction, however, is primarily concerned with Great Britain's problem in the eighteenth century, particularly during the years just previous to the reforms of the younger Pitt.¹

¹ The subject is treated briefly in H. D. Traill, *Social England* (ill. ed.), IV, 716-717, 836-837, 850; V, 442, 472-474; in Lecky, *History of England in the Eighteenth Century* (cr. 8th ed., 1907), IV, 47, 59; V, 295-296, 305, 309-310. Longer accounts are in De Foe's *Tour* (1724-25); W. D. Cooper, "Smuggling in Sussex," *Suss. Arch. Colls.*, X, 69-94. Especially full and vivid are H. N. Shore (later Lord Teignmouth), *Smuggling Ways* (1892; the subtitle, "The Story of a Lost Art," proved in the light of recent events decidedly premature); C. G. Harper's *The Smugglers* (1909). Since both these works are out of print, the material contained in them has been brought together in Teignmouth and Harper, *The Smugglers, Picturesque Chapters in the History of Contraband* (2 vols., 1923). Considerable information may be found in "Reports from Committees of the House of Commons which have been printed by Order of the House, and are not inserted in the Journals," e.g. 7 June, 1733, "Report of the Committee, appointed to enquire into the Frauds and Abuses in the Customs, to the Prejudice of Trade, and diminution of the Revenue." *Reports (Miscellaneous Subjects, 1715-1735)*, Vol. I, pp. 601-654; and the three Reports "from the Committee, appointed to enquire into the Illicit Practices used in defrauding the Revenue," 24 December,

The earliest English smuggling seems to have been in the export of wool. Back in the remote days of Edward I it finds a place in the "Articles of Inquiry" in the *Hundred Rolls* of 1274. While the mediæval authorities in England were feeling their way and conflicting measures were not infrequent, the general aim was to restrict or prohibit the export of wool. The duties, when not prohibitive, were to raise a revenue as well as to encourage the production of native cloth.² Under Edward III (1327-77), in order better to regulate the sale, licenses were required and marketing was legal only in staple towns. At one time there were as many as fifteen staple towns; but there were long periods when the trade was confined chiefly to Calais.³ Contrary to law, merchants across the channel, operating from Middleburg and even from Calais, took out English wool and brought in cloth of the Low Countries. During the latter part of the reign of Edward III licenses were generally granted to export to any part of the Continent;⁴ but since heavy duties had to be paid to the Crown, it is doubtful if smuggling was decreased to any appreciable degree. This is not the place to tell the long and complicated story of the

1783, and 1 and 23 March, 1784, *Reports (Miscellaneous Subjects, 1782-1799)* Vol. XI, pp. 227-299. The Report from the Committee on Smuggling appointed in 1745 may be found in the *House of Commons Journals, 1745-1750*, pp. 101-110. "Serious Cautions and Advice to all concerned in Smuggling: setting forth the mischiefs attendant upon that Traffic; together with some exhortations to Patience and Contentment under the Difficulties and *Trials of Life*" was published in 1818 by Robert Hardy, a somewhat "multitudinously beneficed" vicar, to say nothing of being a chaplain to the unedifying Prince Regent. In 1833 appeared an illuminating "Report on the Disturbed Districts of East Sussex," by Mr. Majendie. The *Memoirs of a Smuggler* relate the adventures of the notorious Jack Ratzenburg and Henry Carter's deeds have been perpetuated in the *Autobiography of a Smuggler* (1900). Among the works of fiction and references in literature are Congreve, *Epilogue to the Money Bride*, Addison's *Drummer*; G. P. R. James, *The Smuggler*, and Thomas Hardy's grimly humorous tale in *Life's Little Ironies*.

² In view of the fact that the customs were farmed to courtiers and foreigners and that the wool grower was sacrificed to the wool buyer, there is at least something to be said for the smuggler in that commodity. Teignmouth and Harper, *op. cit.*, I, 2, 7, 11.

³ An excellent recent treatise is N. S. B. Gras, *The Early English Customs System*.

⁴ *Suss. Arch. Colls.*, X, 69-71.

attempts to regulate the wool trade. In approaching nearer our period it may suffice to note that even during the reigns of James I and Charles I proclamations were issued to prohibit the export of wool; during the Interregnum another is recorded in 1656.

The disregard of the law was painful if we may believe "U. S. Gent.," who produced a work called the *Golden Fleece* in this same year. "For, when honest men," he laments, "'did detect these caterpillars,' and endeavoured, by the due course of law, to make stoppage thereof and to have the offenders punished, so many were the evasions — such combinations and interests in the officers who ought to punish; such favour had they in the courts of justice, and in general such were the affronts and discouragements — that the dearest lover of his country, or most interested in trade, dared not to prevent that mischief which his eyes beheld to fall upon his nation."

One Joseph Trevers, writing in 1675, states: "It is well known that the smugglers are not of the meanest persons in the places where they dwell, but have oftentimes great interests with the magistrates. . . . The smugglers are not only well acquainted with some attorneys and clerks, but they make good interest with the undersheriffs, in the countries where they drive their trade; and these have strange tricks and delays in their returns, in which cases some of them will take part with their offenders instead of executing the law against them."⁵

So late as 1660 another vain attempt was made absolutely to prohibit the export of wool. Two years later the offense was made felony; when little was accomplished, the penalties were softened in 1696. But what with the lure of profits and inadequate enforcement, the situation apparently in nowise improved. In 1698, "a direct blow was aimed at the Kent and Sussex men by an enactment" providing "that no person living within fifteen miles of the sea, in those counties, should buy any wool before he entered into a bond, with sureties, that all the wool he should buy should not be sold by him to any persons within fifteen miles of the sea; and growers of wool within ten miles of the sea, in those

⁵ *Ibid.*, pp. 73-74.

counties, were obliged within three days of shearing, to account for the number of fleeces, and where lodged." Yet even this was defied, for armed bands brazenly escorted packs of wool from the interior to French ships lurking on the coast and gave battle to any who sought to intercept them. Indeed, so late as 1731, the woolen manufacturers asserted that 150,000 packs were shipped yearly in an illegal way.⁶

The wars with France under William and Anne "revived and greatly increased the custom of *import* smuggling for which the existing *export* system, already well organized, gave every convenience."⁷ The high duty on tea in the late seventeenth and early eighteenth centuries led to much smuggling of that beverage only recently become popular. The same was true of coffee, to say nothing of the somewhat older luxury tobacco. Although there was an increasing consumption of home made gin, there was not a little demand for rum and brandy, on which considerable duties were imposed, while, after the Methuen Treaty of 1703, French wines bore heavier duties than the port of Portugal.⁸ Among the other illicit wares were cambrics, Lyons silk and Valenciennes lace.⁹ One Mr. Baker, in a report appearing in 1703, stated that "a gentleman of estate" had assured him within twelve months that he had been at one place at the loading of a wagon with silks and laces "till six oxen could hardly move it out of the place," although he himself was of opinion that "owling," as it was called, had somewhat abated.¹⁰

At that time there were fifty officers for the two hundred miles from the Isle of Sheppey in Kent to Emsworth in Hampshire, also dragoons were posted in Romney Marsh from Folkstone to East Guldeford—an active and lawless area. Moreover, during the early eighteenth century, cruisers were stationed from North

⁶ *Ibid.*, pp. 74–75.

⁷ *Ibid.*, p. 77.

⁸ From 1689 to 1792 it was 5 s. a pound, then it was reduced to 1 s., but restored again in 1711 to the old rate of 5 s. In 1735 French wines, rum, and brandy were supposed to pay the amazingly high duty of £1 a gallon. Traill, *Social England*, IV, p. 472.

⁹ Traill, *op. cit.*, IV, 716–717.

¹⁰ *Suss. Arch. Colls.*, X, 79, citing Egerton MSS., p. 929, fol. 40.

Foreland to the Isle of Wight; but they proved far from adequate. Gangs of from twenty to fifty and sometimes comprising a hundred or more men, "armed with guns, bludgeons, and clubs," rode about almost with impunity landing and distributing their goods. They established warehouses in vaults, ruined abbeys, ancient manor houses, often "haunted," where they deposited their commodities until they could be disposed of. Some even built imposing dwellings out of their profits. W. D. Cooper notes that the Treasury Papers contain many particulars of the smuggling of tea and other articles, as well as graphic accounts of armed collisions so late as the third decade of the nineteenth century.¹¹ He also states that in 1745 a Committee of the House of Commons was appointed to inquire "into the causes of the most infamous practice of smuggling." This committee recommended the annexation of the Isle of Man (the centre of distribution to and from Ireland) to the Crown by purchase, and the employment of 2060 sea officers and men, together with sixty vessels along the coast. Nevertheless, the Isle of Man retained its old status, and if the forces were increased they availed little.

The infamous Hawkshurst gang, operating about Goudhurst, became so unbearable that "The Goudhurst Band of Militia," a voluntary organization, was formed by a retired soldier to aid the Government forces in an attempt to suppress them. Their ruthless daring and cruelties are related in vivid detail by Cooper and by Teignmouth and Harper.¹² These desperadoes even had the effrontery to attack the local customs house in order to recover goods which the officers had seized, and to murder two captives with peculiar atrocity. Although the gang was eventually broken up and three members hanged at Tyburn, 3 April, 1749, the nefarious calling proved so lucrative that others took their places. A very drastic Smugglers Act of 1746, discussed in the appended papers (pp. 319-320), was only inadequately enforced, and was modified in 1779.

Adam Smith, it is well known, confessed to a weakness for

¹¹ *Ibid.*, X, 80. For many vivid instances see Teignmouth and Harper, *op. cit.*

¹² *Suss. Arch. Colls.*, X, 83-89; *The Smugglers*, I, 50 ff.

smuggling, ardent free trader that he was,¹³ and many a man was not above having a pipe or hogshead "put in his cellar" at a low figure. In spite, however, of complacent public opinion, smuggling on a large scale was not carried on "without bribery, perjury, informing, violence and murder." In one period of six months it is asserted that 1835 horseloads of tea, and 1689 of wet and dry goods were landed on the Suffolk coast and removed by armed convoys of smugglers. It is further estimated that 2000 hogsheads of spirits were run annually on the coast of Hants, Dorset and Devon, while it took the customs house officers nine years to capture as many.¹⁴

The new fiscal system that came into Scotland with the Union was evaded by much smuggling. Also the attempts of the British Government to crush out the Irish wool trade resulted in illicit export to France and the import of luxuries from that country.¹⁵

The situation in the American Colonies is too well known to require more than brief mention. In consequence of the restrictive policy "a vast illicit trade with the French West Indies had grown up unchecked."¹⁶ During the French Wars "the French fleets, the French garrisons, and the French West India islands were systematically supplied with large quantities of provisions by the New England Colonies . . . the smuggling was even defended with a wonderful cynicism on the ground that it was good policy to make as much money as possible out of the enemy."¹⁷

When Pitt undertook to reform the financial situation the investigations which he started disclosed an amazing and bewildering

¹³ "To pretend," he says, "to have any scruple about buying smuggled goods, though a manifest encouragement to the violation of the revenue laws, and to the perjury which almost always attends it, would in most countries be regarded as one of those pedantic pieces of hypocrisy which, instead of gaining credit with anybody, seems only to expose the person who effects to practice it to a suspicion of being a greater knave than most of his neighbors." Quoted by Teignmouth and Harper, *op. cit.*, I, 192-193.

¹⁴ Traill, *Social England*, V, 473-474.

¹⁵ *Ibid.*, IV, 836-837, 850. It will be recalled that the Porteous riots described in Scott's *Heart of Midlothian* were occasioned by the execution of a smuggler.

¹⁶ Traill, *op. cit.*, V, 442.

¹⁷ Lecky, *England*, IV, 47.

ing state of affairs, as every student of the period is aware. So far as the customs were concerned the revenue fell far below the estimates, chiefly owing to the prevalence of smuggling, which apparently was on the increase. According to the calculations of a Committee of the House of Commons £2,000,000 was lost through this form of leakage. Whole fleets and no fewer than 40,000 people were said to be engaged in the gainful and exciting pursuit of defrauding the government. From such information as he could acquire Pitt estimated that 13,000,000 pounds of tea were consumed annually of which not more than 5,500,000 yielded any duty, while foreign wines, to say nothing of rums and brandy, eluded the customs to the extent of £3,000,000 a year.¹⁸

Several measures which were enacted in 1784 contributed greatly to curtail if not entirely to eradicate the evil. One was the celebrated "Hovering Act" (24 Geo. III, sess. 2, ch. 47; 26 Geo. III, c. 40). Furthermore, acting on the principle of Adam Smith, and other sane thinkers, that such widespread evasions indicated that the duties were excessive, the young Prime Minister proceeded to reduce and simplify them in the case of some of the most glaring abnormalities. The duty on tea was lowered from 119 per cent to 12½ per cent; that on West India rum was appreciably reduced, and the duties on French wines were transferred from the customs to the excise department where they could be collected with more certainty.¹⁹ Pitt also refused to fill customs house sinecures as they fell vacant: this wise procedure, together with their total abolition in 1798 (38 Geo. III, c. 38), doubtless did much to eliminate inefficiency in the administration.²⁰ The lowering of duties — 50 per cent on the average —

¹⁸ Wrecking was another pursuit not uncommon, and of course privateering during the frequent periods of war, see, e.g., *Suss. Arch. Colls.*, X, 89, 91. Lecky, *England*, V, 295-296. A pamphlet, entitled *Advice to the Unwary*, issued in 1780 for the purpose of explaining the Act of 1779, states that of 3,867,500 gallons of spirits distilled annually at Schiedam the greater part was smuggled to England, and a distillery was set up at Dunkirk for the production of Geneva, most of which was destined for England. Of the tea imported into France, estimated to average 5,000,000 to 6,000,000 pounds yearly, a considerable portion was smuggled." *Suss. Arch. Colls.*, X, 90.

¹⁹ Lecky, *England*, V, 299.

²⁰ *Ibid.*, V, 305.

in the short-lived commercial treaty with France, 1786, naturally decreased the temptation to trade illegally with that country. While this seems to have had the effect of breaking up many gangs that were never reorganized,²¹ and while the wool smuggling seems to have come virtually to an end with the outbreak of the French Wars in 1793,²² the smuggling in tea, spirits, tobacco and silks continued well into the nineteenth century. Desperate enterprises and bloody encounters with the authorities are recorded up to the 'forties. Fear of ruthless vengeance, apprehension of ghostly visitants in lonely places and gratitude for welcome gifts, chiefly of a potable character, kept the majority of the folk of the sea and countryside from interfering. Nevertheless, better laws²³ and more effective enforcement gradually helped to improve the situation, but another decisive factor was Peel's free trade measures from 1841 to 1846, which did away with the chief incentive, hitherto furnished by great profits.²⁴

The papers selected for publication here would seem to be of interest on two grounds: first, because they supplement with vivid specific details what is already in print; secondly, because they lead up to Pitt's celebrated Act and furnish suggestions of which he no doubt availed himself in framing his measure. The first paper entitled "Proposed Review of the Smuggling Laws" is unsigned and undated, though internal evidence places it later than 1773, and was drawn up, apparently under the direction of William Pitt, from returns made to the Board of Excise by their

²¹ *Ibid.*, V, 309-310.

²² *Suss. Arch. Colls.*, X, 91.

²³ The whole legislation relating to smuggling was reviewed 5 January, 1826.

²⁴ See the report of the Commissioners of Customs: "With the reduction of duties, and the removal of all needless and vexatious restrictions, smuggling has greatly diminished, and the public sentiment with regard to it has undergone a very considerable change. The smuggler is no longer an object of general sympathy, as a hero of romance; and the people are beginning to awaken to a perception of the fact that his offence is not only a fraud on the revenue, but a robbery of the fair trader. Smuggling is now almost entirely confined to tobacco, spirits, and watches." Quoted by Teignmouth and Harper, *The Smugglers*, I, 15. Unfortunately conditions since the World War have led to a considerable recrudescence of illicit traffic, *ibid.*, II, 227-230.

collectors in their several collections or districts. It is graphic in its picture of the situation, and contains a table of statistics that would be more helpful if dates were given.

The "Extracts of the Proceedings of the Association for the Protection of Trade against smuggling of Tea, Coffee, Chocolate, and Cocoa Nuts," March, 1780 (pp. 242-244), contains miscellaneous complaints and proposals; but, alas, their applications to the Council of Excise, conclude with a frequency of reiteration "no answer" that reminds us of the Circumlocution Office in *Martin Chuzzlewit*. Even at this late date one shares their joy in the half-dozen convictions which they managed to secure. Apparently dark suspicion rested on Count Haslang, the Bavarian ambassador, accused of keeping a "House purposely for secret-ing and sending smuggled Goods" (p. 243). Secure in the blessings of our Pure Food Law we can afford to smile at the seizure of "one hundred and forty-four pounds of leaves dried in imitation of tea" (p. 243). The "Account of his Majesty's Allowance for Secret Service" furnishes a list of the persons engaged in this mysterious work (p. 245); but the entry that £100 was given to the wife of John Ernest Bode "in the Secret Office" makes us tremble at the chances the Government was taking. The "Plan of Reform," 1782, unsigned, enumerates various useless sinecures, and contains some forceful suggestions (p. 248). "A List of Officers in the Customs—with a short account of their respective duties—from Sr. W. Musgrave, 7 Augt. 1782" (pp. 250-256), is much fuller and enriched by spicy comments as well as constructive suggestions. He notes that the Collector is burdened with keeping "voluminous and perplexed accounts," and laments that these officers have "been of late years appointed from Country Fox-Hunters, Bankrupt Merchants, and Officers of the Army and Navy—without the (least) obvious knowledge of the Business of the Revenue and too late in Life to acquire it" (p. 250). In this valuable sketch of the different offices and their duties, or in some cases lack of duties, we are told, for example, of the customer, that "this office" has become useless and ought to be abolished as a fruitless "Burthen on Trade," and of the boatmen, that "too many of them have of late years been recom-

mended by the Members of Parliament when they were become Superannuated & Chargeable to the Parish," and of the riders that "of late years parliamentary Interest has recommended Apothecaries, Brewers & other Tradesmen to these employments who never ride but when their own occupations require it and fabricate Journals for the rest of the time. And it is generally reported that many of them are the relation of — & even that some are the Agents & Collectors for the Smugglers" (p. 255). Yet the writer describes with fairness the useful offices, and in appended documents traces regulations from 1783 to 1782 for remedying abuses — regulations which had as a rule been disregarded.

In No. XLIII (pp. 264–267) Mr. Lisle, a former customs officer, gives, 8 August, 1782, some details of smuggling along the coast of Cornwall, Devon, Dorset and part of Hants (Hampshire). Then follow further communications from Sir W. Musgrave including (20 November, 1782) "A Plan for vacating certain unwarrantable Grants, and for abolishing various obsolete and useless Offices in the Customs." It is of value, among other things, because of the Statutes, from the fourteenth year of Richard II on, providing that officials shall not hold for life or for a term of years but during pleasure, and aiming to enforce residence requirements (pp. 268–270). The author offers sensible recommendations for making the foregoing statutes effective, and designates (p. 272) a list of sinecures to be abolished. On 10 December, 1782, he contributed another paper "Customs Regulations" (pp. 281–283) which supplements the foregoing; also a list of sinecures, dated 10 January, 1783, should be read in connection with the list previously submitted. Musgrave's plans for reform came in for certain criticism, e.g. "Remarks on Certain propos'd Regulations in the Customs by M. B.," November, 1782 (pp. 288–289). A contribution by St. Brooksbank, a Commissioner of Excise, entitled "Thoughts upon Smuggling," 14 January, 1783 (pp. 289–293) lays great emphasis on high duties as an encouragement of smuggling and makes, in addition, some constructive suggestions — among them to determine whether the outlawry clause in the Duke of Richmond's Act (19 Geo. II) had expired and, if so, to renew and enforce it, and to put entered dealers under bond with securities,

with the provisions that any dealer convicted of fraud should "forfeit his bond and be forever after disabled from exercising that trade."

An anonymous "Plan to prevent Smuggling Tea by taking off the Present Duties and Customs" and substituting a house tax (pp. 296-299)²⁵ is criticised with some acuteness by Mr. Pownall, 26 January, 1783 (pp. 299-304), but with hesitation, because as he states: "my own wishes dispose me to consider in the most favorable light, every proposition that can be suggested, for such an Arrangement of Duties, as may have the Effect to check Smuggling, by removing the Temptation." He also sees a possible objection to Brooksbank's licensing scheme, and only favors his suggested enforcement of 19 Geo. II in the most extreme cases, since it deviates "so widely from the general principles of the common law of England in criminal cases, and is so sanguinary in the spirit of it." Brooksbank, the criticised, also contributes (pp. 304-306) a balanced consideration of the arguments for and against the house tax substitute. "General Conway's Plan for the Repression of Smuggling," 3 February, 1783, (pp. 306-307) is brief and largely devoted to one recommendation — establishing stations along the coast and building watch towers from which vessels approaching or hovering near the coast might be observed and reported. The last paper (pp. 308-321) is the fullest and perhaps the most interesting of all. It is a "Report of the Commissioners of Excise on Smuggling," 15 February, 1783. Both detailed and graphic, it shows a thoughtful grasp of the problems involved.

As a whole these reports and discussions, undertaken at the instance of Lord Shelburne during his brief ministry, show that he was alive to the situation and helped to prepare the way for the later work of Pitt.

²⁵ The suggestions made in this "Plan" are incorporated in the Third Report of the Committee of 1783-84. *House of Commons Reports*, Vol. XI, 286-287.



DOCUMENTS



PART I
THE ROYAL FORESTS



Queries.

Answers by Mr. Crofts,
Surveyor of His Majesty's
Wood at Woolwich.

Has any thing been done, or have
any Steps been taken in consequence
of the Report of the Committee
of the House of Commons in
the Year 1797 on the subject of
Abuses in the Forests, the want
of Timber &c. &c. And if any what
those Steps, & how they have answered.

I have not heard of any Steps
being taken to prevent abuses
in the Forests, nor to supply
the want of Timber &c. &c.
If no steps have been taken
no consequences ensue.

Whether the consumption in the
Woods & Forests of the Counties
within your District, does not
far exceed the Growth.

I judge the consumption in
general far exceeds the growth.

Whether any Acorns have been
planted in the Woods of Forests, or
elsewhere, and the Ground cleared
& sowed round, those which have
fallen wild.

And how far the Act of Parliament
made in the Reign of King William
for planting a certain Number of
Acorns annually, has been observed.

I have heard of acorns being planted
in the Kings Woods or Forests, but have
that great Number of Acorns sown by
have been planted by private Gentlemen
in diverse places, the parish of St. Dunstons
I collect. Acorns in the Kings Woods
as they fall with it they may
rise, for they are not the cleared nor
thinned, having no assistance but nature
within my District, & nothing has
been done on this head of planting.

Whether the Growth in the Woods,
Forests & plantations do not,
occasion much waste of
And the methods to be planned to
keep them out.

Much mischief is done to young Oaks
by cattle & deer when there is not
care taken to keep them out.
The method to prevent the same, is to
have good Strong Fences or Fences
where you have a right to fix
them.

Whether the granting the Surveyors
General, and the Officers under
him, competent Salaries, in lieu of
fees (supposing the latter to be
entirely abolished) would not be
the most eligible method to
prevent improper sales of Timber
and a new Abuse &c.

I do not presume to be a judge
on this head.

Whether the Woods, Forests, &c.

Whitstable has his and lately
Forest till of late has been properly
managed.

Facsimile of part of Document XXIV. This plate reproduces the upper
left-hand corner. See pages 134-135

DOCUMENT I

State of Question on inclosing Some of His Majesty's Forests

The Forests in England are of very ancient date. Hunting was the great passion & amusement of the first savage & illiterate ages of this Country; and the Power of the Crown, especially in the times immediately subsequent to the Conquest, not being under any certain limitation it was perhaps more freely exercised on this than any other Subject. Vast Tracts of Land were laid waste under the denomination of Forests, & the most cruel and arbitrary Laws established for maintaining their Jurisdictions.

About the Year 1082 William the Conqueror "depopulated above 30 Miles of Country in Hampshire, turning out the Inhabitants, destroying the houses, Gardens & even Churches, in order to make a desert for the habitation of Wild Beasts." (*Chart's Hist.*.)

They were multiplied and increas'd at different Periods in the Succeeding Reigns, so that in process of time, there was Scarce a County in England but had one or more Forests; besides Royal Chaces, Parks &c^a. set a part for the same purposes.

There is a List now in the Office of the Surveyor General of His Majesty's Woods, without date, but supposed to be taken about the Year 1612, of no less than 94 Forests, Parks & Chaces in England and Wales.

There is another List made soon after the Restoration of 46 only; 34 of which are not named in the former List. So that the whole Number of Forests &c^a. under distinct denominations in the two Lists is no less than 128.

But the Records & Accounts of these are so indistinctly kept, that, for the greatest part, it neither appears what quantity of Land they contain, nor indeed whether they still exist at all; or have been disaffor-ested.

An Act past in the 21. Ja^s. 1.—Cap. 2, which declares, "that the Crown cannot claim any Lands, Revenues &c^a. from any Person whatever by any Right accrued more than 60. years past; if in that time it had not been claimed or been duly in charge to His Majesty or the late *Queen* &c^a." But does not particularly mention Forests. Another Act of 17. Cha^s. I. C. 16. declares "that the Meets & Bounds of Forests shall be as

they were commonly known, reputed, used, or taken to be in the 20th. Ja^s. I." And, "that no Place where no Justice Seat, Swainmote, or Court of attachment has been held or kept, or where no Verderers have been chosen within the space of 60. years before the 1st of the then King's Reign shall be deemed to be Forest &c^a.

By a List furnished from the late Justice in Eyre, the Earl of Bradelbane,¹ there appear no more than 12 Forests of which any regular Account was before him, Viz.¹

| | | | |
|---|----------------|-------------------------|--|
| Windsor Forest | Berkshire. | New Forest | } Hampshire |
| Waltham . . . | Essex. | Bear. | |
| Salcey | Bucks. | Holt & Woolmore. | |
| Rockingham } | Northamptonsh: | Dean. | Gloestershire |
| Whittlewood } | | Exmore | Somersetshire |
| Whichwood . . | Oxfordshire. | Dartmore | Devonshire. |
| But in the List of 1663 there are besides these, the following, the greatest part of which probably have not been disafforested, viz ^t . | | | |
| New Park . . } | Hampshire. | Guiltsdale For: | } Cumberland. |
| Buckholt Forest } | | Emerdale | |
| Sherwood Forest | Nottinghamsh: | Carisbrook For. & Park— | Isle of Wight belonging to the Dutchy of Lancaster |
| Delamere . . . } | Cheshire | | |
| Macclesfield . . } | | | |
| Somersham Chase | Huntingdonsh: | Ashdown Forest . | Sussex. |
| Wensladale For: | } Yorkshire | Ashborne Chase . | Wilts |
| Arkilgarthdale | | Enfield Chase . . | Middlesex |
| Bishopsdale | | Knaresborough For: | } Yorkshire |
| Coversdale | | Pickering Leigh | |
| Langley Chase } | Durham | Mierscough Park . | Lancashire |
| Marwood Hagg } | | Needwood Forest . | Staffordshire |
| Tusdale Forest } | | Peak Forest, . . . | Derbyshire. |

N:B: Besides the above, there are to be found in several Offices a great Number of Perambulations, Surveys & other Documents relative to the Forests; Viz^t.

In all 24. not in Lord Bradelbane's List: Besides Woodstock Park, Hampton course, St. James's, Richmond or New Park, & Castle Park, Bagshot Park &c^a. parts of Windsor Forest.

¹ Campbell, John, third Earl of Breadalbane (1696–1782), a chief-justice in Eyre, 1761–1765.

In the Tower: the old perambulations of all the Forests in Eng^d: made 7th. & 29th. Ed. I.

At the Receipt of the Exchequer: all the perambulations meets of Forests &c. from K. John to the end of Ed. 3.

In the petty Bag Office: Several perambulations taken pursuant to Act of 17th. of Ch^s. 1st. c. 16.

In the augmentation Office: Surveys taken in cons. of the Act of 1656. of the following, viz^t.

In Cumberland. The Honour of Penrith & Inglewood Forest.

Dorsetshire — part of Gillingham Forest

Gloestershire: Kingwood Chace & Whitmead Park For: of Duns

Huntingdonsh: part of Somersham Chace

Lancashire — Bowland Forest

Nottinghamsh: Birklandy part of Sherwood For^t. & Lingarthey D^o.

Somersetshire: Exmore chace.

Southampton: 3. Parks in Alice Stoll For: New Park in New For:

Staffordshire: Needwood chace and Several divisions of d^o.

Sussex — parts of Ashdown For: Iron Mill &c. St. Leonard's For:

Yorkshire — Bowland chace — New Park, part of Rawtree For:

Together with Rolls of Particulars for sale of most parts of them.

By the above mentioned Law of 17. Ch^s. 1st. those Forests were continued, where perambulations had been made, or Swainmotes &c^a. held, at any time within 60 Years before the first of this Reign; and it does not appear that in any subsequent Reign from that time, any Publick Act has past for Disafforestation of any Forests or Chaces. So that whatever were existing in 1663, at the time the above List was made should now remain the same, except as far as they have been diminished or alienated by Grants under the Great Seal.

In the time of the Republick² indeed, it was otherwise, and several Acts of Parliament past then, particularly in 1653, 1654, & 1656, for selling & disposing of the Royal Forests & Chaces, among other Estates & Possessions of the Crown, for the use of the Publick.

The Act of 1656, particularly appointed Comm^{rs}. for the Sale of five Forests, viz^t. of Sherwood, Needwood, Kingswood, Asdown, & Enfield Chace. And a Commission was actually made out in consequence to divers Comm^{rs}. with very particular Instructions for carrying the same into Execution, for payment of the Soldiers.

But this Commission not issuing 'till 1658, & the Restoration following soon after, it does not appear that any thing was done, which materially affected the State of those Forests.

² The period of the Commonwealth and Protectorate, 1649–1660.

As the object of Government however, for the present, is not probably to attempt the Improvement, or inclosing all, or even any great number of His Majesty's Forests, but rather to make experiment on those whose State & Condition are most known, & seem best calculated for answering the different ends proposed by this measure, an accurate Enquiry into the Number or Extent of all the Forests does not seem so immediately necessary; as the acquiring such Information relative to those Forests or Chaces, which by their Situation seem fittest for a first experiment of this kind, as may shew in some degree the utility of such a Scheme, & tend to facilitate the execution of it.

The principal ends to be answered by the inclosing of Forests are, as I apprehend, especially at the present moment, the Improvement of Cultivation & particularly in such manner as may tend to lower the price of Provisions, the preservation of Timber for the Navy, & the Increase of the Crown's revenue: for which several purposes, the Forests lying nearest to this Metropolis, or to any of the principal Docks, or Sea ports of the Kingdom, or which are known to contain the greatest quantity of improvable Land, most naturally present themselves. And of these, from the best Information I have been able to procure, none so properly as the Forests of Waltham, & Windsor, and Enfield Chace, all in the neighbourhood of London, and New Forest in Hampshire.

Waltham Forest, in Essex, consists of 9. different Walks or Districts; Five of which lying on the River Lea, extend 14 to 15. Miles in length, and about 6 in breadth, & contain by computation about 53,000. Statute Acres. The other four Walks extend farther into the Country, about 6. Miles in length & 5. in Breadth, & contain about 19,000. Statute Acres. So that the whole Forest may consist of about 72,000. Acres, including Forest Land belonging to the Crown and the Estates of private Gentlemen intermixed. Of which the Forest Lands in Woods, Underwoods, Lawns, & open places are estimated about 32,000. Acres, on which the Owners of the adjacent Manors & Lands, or their Tenants claim a Right of depasturing their Cattle.

There are also several Estates of the Crown, in or adjoining to the said Forest, which are demisable Lands & let by Leases under the Great Seal, or Exchequer Seal, as part of the Land revenue of the Crown.

Enfield Chace, in the County of Middlesex, extends about 4. Miles in Length & 3. in Breadth, has but few Lands intermixed & contains, (exclusive of the inclosed Land belonging to the several Lodges, & of about 50. Acres taken of by sundry Incroachments) 6740. Acres or thereabout, lying in Waste or Common, in which the Neighbours have certain rights of Common & Pasture.

Windsor Forest extends into the 3. Counties of Berks, Wilts, & Surry, and is divided into two Districts called the Berkshire & the Surry Districts; Each District subdivided into several Walks, and containing within them a number of Parishes, Manors & Townships, all which together, including as well the said Manors Townships &c^a. as the King's Wastes & all Royal & private parks, may contain, in the two Districts, about 180,000. Acres; of which about 100,000. by computation, consist of Woods & Wasts belonging to H. M., but wherein the Country have their respective Rights of Pasture, Turbary, Estover, Pannage &c^a. contain'd in 69. Claims made before the Chief Justice in Eyre, 8th. Ch. 1st. at Windsor.

N.B. There are several Leases & Grants of Land, within the bounds of this Forest past under the Great & Exchequer Seals for different Terms of Years, &c^a.

New Forest, In Hampshire, is in circumference about 50. Miles, & in it's greatest extent about 17. Miles. It contains by estimation about 85,454 Acres (as appears by Act 9 & 10 W. 3^d.) of Waste, or open Ground, except what has since been inclosed in consequence of that Act for raising timber for the Royal Navy.

There are many Claims of Manors, Lands, Offices &c^a. within this Forest, as by Entry at a Justice Seat 1670; & also Rights of Pasture, Turbary &c^a., and there are 3. Leases of demisable Land within the same.

N:B: By the above mention'd Act 9. 10. W^m. 3^d. the King was empowered to inclose 4000. Acres of this Forest; and 200. Acres more annually for 20 Years to come, as a Nursery for Timber, free from any Title or Pretence whatsoever.

It appears therefore on the whole that the total Number of Acres contained in the several Forests & Chaces abovenam'd is as follows:

| Tot: Acres | Wood & Waste |
|-------------------------------------|----------------|
| Waltham, 72,000. of which | 32,000. |
| Enfield Chace 7,074 | 6,740. |
| Windsor — 180,000. | 100,000. |
| New Forest * | 85,454. |
| | <hr/> 224,194. |

(*) N.B. This includes the Land allow'd to be inclosed by the Act of Parl^t. in all 8000. Acres. The total of this Forest does not appear.

So that the whole of the open or wast Lands, in these 4 Forests, is 224,194. Acres, either in Wood or Pasture, exclusive of all private Claims & of all Inclosures by Grants from the Crown &c^a.

It is impossible to ascertain with any precision the proportionable value these Lands will acquire on their being inclosed, or to estimate the charge necessarily to be incurred in compensation for the several Rights of Common, and other Privileges claimed on them. But there can be no doubt, that the Improvement will be very considerable, and the valuations so frequently made of late Years of the different Rights of Common, on occasion of the many Acts that have been past for Inclosures, must furnish a pretty good rule to estimate as well the value of these rights, as the expence of inclosing, and the probable improvement that will be made.

I have said, that the whole number of Acres now lying in Waste or open ground in the 4. Forests mentioned, is by computation about 224,194. I will suppose one fourth of this to be set a part, under proper Regulations for the Growth of Timber, amounting to 56048½ Acres; there will then remain for Cultivation 168145. Acres; which valued at 15^{sh}. 4^d Acre will amount to £126,109. .15s 4^d Ann. of which supposing one third to be deducted for defraying the several charges from Rights to be compensated &c^a., there would then remain for the publick Use an Estate of £84,073. .3s. .9d 4^d Ann. And if let at that rate would in time pay besides a Land tax on the whole £126,109. .15s which at 3^{sh}. in the pound comes to £18.916 9s. 3d.

A Plan published some Years ago for inclosing Forests, allows but one Sixth of the total value for answering the several charges; but that seems greatly below the true Estimate.

In most of the Forests, there has been a great waste and destruction of Timber; So that in many, one third, if not one half of the Ground, and in some still much more, consists of Plains & Lawns, bearing at most, only a little Coppice wood; but where no Timber has been known in the memory of Man.

When the many advantages arising from the Growth of Wood in this Commercial & manufacturing Country are considered, and particularly the infinite Consequence of having our Navy well supplied with Timber, and the vast national charge it would become to be obliged to purchase from foreign Countries, that which our own is so well calculated to furnish, it cannot but appear an object of the first magnitude to put all His Maj^y's. Forests under the Strictest & best regulations in this respect. I should think the Growth & preservation of the Forest Timber in general might properly be put in some degree under the inspection of the Admiralty.

Nor even, in the parts intended for cultivation, would I have this ob-

ject neglected; as the growth of Edge-row Timber might, I am persuaded, turn to considerable Account, as well by proper Covenants in the Leases to be granted, as by some fit Plan for the Inspection of them.

It is the opinion of those best acquainted with the State of Husbandry in this Country, that the great excess in the present mode of letting large Farms, is both hurtful to Agriculture & to Population, as well as the occupying of a Number of Farms by one person.

I have heard, that in some Counties, it is not very uncommon for the same Farmer, to have in his hands Six or Seven different Farms; and sometimes at the distance of 10. or 20. Miles, from each other, by which the proper cultivation of the Ground must inevitably be neglected, and the race of laborious & industrious Farmers greatly diminished. I would therefore divide these Lands into small Farms from 20. to 100. Acres each, with a strict obligation for no Farmer to possess at once more than one Farm.

If Foreign Protestants were encouraged & allowed to become Tenants or Purchasers of these Lands, on condition of bringing a certain Number of Labourers or Artificers, it might be an addition to this Scheme, as We should not only gain the benefit accruing from the acquisition of a number of useful hands, but also probably the whole Fortunes of many Substantial Families, who, from a prospect of becoming Landholders in a Country, where their Liberty and property would be so amply secured, might be tempted to settle here.

This seems at least worthy of Consideration, as it is certain, We not only suffered from the loss of Men in the late long and bloody War, and in the decrease of Propagation by their absence, but that the very Successes of it are also a farther Drain by the daily emigrations, to people the extensive Acquisitions We have made; exclusive of the much increased Military establishment in America & the West-Indies; by which not only some thousands of the most robust and healthy of Our Youth are lost to the Agriculture & Population of the Country, by their absence, but from the Unhealthiness of the Climate in some parts, require a recruit that is continually draining the Country of many hundreds annually.

The paucity of Labourers now employed to the Several purposes of Agriculture, is probably not the least among the causes of our present Scarcity and dearth of Corn: As nothing can more immediately operate to produce that effect than a Want of hands for tillage, and still more for bringing in the Harvest of all kinds; without which, not only the Grain, by becoming too ripe, sheds from the Ear, & is lost, but the Crops,

by remaining long on the Ground, or in the making, are subject to all the destructive changes of this uncertain Climate.

The only material objection I have heard to this Plan is, that the present mode of inclosing, and the many Acts of Parliament past of late Years for that purpose, are among the causes of the dearness of Cattle, by lessening the quantity of Land employed in Breeding. But as the inclosed Lands are universally allowed to feed & maintain much greater quantities proportionably both of Black Cattle & Sheep; and as the Lands in the Neighbourhood of London, must by their Situation be much better applied to the Feeding & Fattening, than Breeding of Cattle, besides the near & certain Supply of Grain, Poultry, Hogs, Garden Stuff, and many other necessaries, that Argument, whatever Force it may have in general, seems to lose great part of it's Weight on the present occasion.

Another objection arises from the convenience of Fuel, which is supplied in great abundance from the Forests of Waltham & Endfield, particularly to the Bakers and Pastry cooks in London.

In regard to Waltham, it is also said, that the property of the soil, except in one Walk or Manor only, not being in the Crown, and many Claims & Rights subsisting on it, there is no appearance that either the Crown or Publick could reap any considerable profit by this Scheme. While on the other hand, the great variety of different Claims & Pretensions subsisting in every part of this Forest between the Lords of Manors, and other Inhabitants or Borderers would meet the greatest difficulty to ascertain, and be a Subject of infinite Litigation.

If on the whole, from the Hints above thrown together, or from their Superior knowledge of this Matter, the Government should be induced to adopt this Measure, the first Step to be taken, & the only one probably that can be taken this Session, will be to pass an Act for appointing Commissioners to enquire & ascertain the extent of the Forests pitched upon; The quantity of open & improvable Ground in each, the value of the Land, that of the several Rights and Claims attending it, & the Quantity & Value of the Timber growing thereon. For which purposes, the Act past 1656, and the Instructions formed in consequence of it, seem, with some such variation, as may adapt it to the present occasion, to contain every thing that is necessary for this Purpose.

One thing besides, I think, ought principally to be observed in the opening of this Plan; which is, clearly to explain the object of it, to Wast & Open Lands only, as the Notion of touching Grants or other ancient Titles would create great alarm and Outcry among the numerous Possessors of such Grants & Titles all over the Kingdom.

DOCUMENT II

AN ACCOUNT OF THE FORESTS
OF SHERWOOD MACCLESFIELD
NEW FOREST & WINDSOR

Also 2 Lists of the Names of
the Forests, Chaces & Parks
about the Year 1612

And another in 1663-³

In M^r: Herberts Nov^r 18th 1766

SHERWOOD FOREST in the County of Nottingham

EXTENDS from Coningswath ford towards Nottingham, leaving out the Town Close & Wellay Hagh, thence to the Blackstone to the River Doverbecke, and thence by that River to the Trent; Westerly from the ford of Coningswath by the Water of Mayven to Worksop, and so to the Park of Plesley Hath, so to Atterbridge Millford and Baynshead, thence between the Fields of Harwich and Kirby to Nunbar, Thence by the Assart of Evan Brittain to Erlstigh and Hologate, and so by the Highway to the Castle of Annesly, thence to Linbey, thro' the Midst of the Town to the Water of Lien and to Linton, and thence by the same Water, as it was wont of old times to run into the Trent, and so along the River to the fall of Doverbecke aforementioned, saving Wellay Hagh, and other the Kings Demesne Woods in the said County.

This Forest is divided into 3 parts

- 1st — The North part contains the Manors Lands Woods & Wasts in the following Townships of Carberton, Gledithorpe, Worksop, Mansfield Wood house, Clipston Rutford Abby Edinstome, Berkland and Billhawe, Betteley, Peverell, Thorpe & Allerton.
- 2^d — The South part contains the Manors Lands Woods & Wasts of Nottingham, part of Milford, Lenton Swanton, Colwick, Stoke Carlton, Gedling, Burton, Gunthorpe Lambley Arnhal, Basford, Bulwell Bescot Park, Woodborough, Calverton & Santerford Manor.

³ This paper is so docketed on the back. The report is signed by R^t. Herbert, Surveyor General, Nov. 18, 1766.

3^d—And the Middle part contains Mansfield cum Plesly, Skegby, Sutton, Hucknall, Fulwood, part of Kerby Blithworth, Papplewich, Linby and Annesley.

The Total Quantity of Ground contained within the bounds & Jurisdiction of this Forest including the Manors Lands Woods of private Proprietors, And also the Lands, Woods, Parks, and Wasts of the Crown, as taken from a Survey thereof made in the Year 1609 are as follows

| | Acres |
|---|---------------|
| Enclosures | 44,839 |
| Woods | 9,486 |
| Wasts | 35,080 |
| Clipston Park belonging to Lord } Shrewsbury | 1,583 |
| Bescot Park belonging to the Crown | 3,672 |
| Bulwell Park belonging to Sir John } Byron | 326 |
| And Nottingham Park belonging to the Crown . | 129 |
| | <hr/> 95,117. |

Of which it has been computed the Woods Underwoods Lawns and Wasts belonging to the Crown with in the whole Forest may amount to One half the Quantity or thereabouts, In which the Country have various Claims of Common of Pasture Estovers Turbary & other Priviledges according to the Custom of the Forest.

This Forest is within the Survey and Jurisdiction of the Court of Exchequer, and is Subject to the Laws of the Forest.

THE FOREST OF MACCLESFIELD in the County Palatine of Chester

Extends from Austerpoole Bridge to the River Mercy, thence to the Water Gayte, thence to the Water of Dane to Crumwell, and so to the Town of Rode, including the said Town, except the House of Mathew Tollet, from Rode, following the Church way, it extends to Gawseworth inclusive, except the Hall and the Church, from thence to Presbury and Newbury lowe, and thence along the way near the House of Robert Hundford, on the West part thereof, to the Brook of Bosden, and thence to Salters Bridge, And from thence to the Bridge called Austerpoole first above mentioned.

This Boundary includes the Manors Messuages & Lands within the several Townships of Sutton, Wincle, Ranowe, Hurdesfield, Bollington,

Pottsrigley, Kettlesholme, Yardsley, Wayley and Disley Stanley, who all hold of the King as Earle of Chester, & Lord of this Manor, which are all within the Jurisdiction of the Forest and within the Survey of the Court of Exchequer and is governed by a

Master Forester

A Steward

A Bayliff

Clerk of the Courts

8 Foresters in Fee

5 Under Foresters

The Office of Master Forester is claimed by the Earle of Derby by virtue of a Grant to Charles Earl of Derby & his heirs made dated the 15 Oct^r. in the 13th Year of King Charles the 1st

This forest is divided into 2 Parts.

the one is distinguished by the Title, Several Forest, & is private property, containing about 2700 Statute Acres, The other by the Title, open forest, and belongs to the Crown, The open forest consists of several Wasts and Commons belonging to the Townships abovementioned, which contain together, according to the Customary Measure of the Country, (being 211 foot to the Perch), about 4900 Acres, or according to Statute Measure about 10,300. the Soil whereof belongs to the Crown, In the Mountainous parts are Coal Pitts and Quarrys of Stone and the Ground mostly Lingy, Heathy ground, without any Timber.

There are two Leasehold Estates held of the Crown one the Common Bakehouse, in Macclesfield granted to Joseph Ward, et al,

The other consisting of the Manor and Borough of Macclesfield with divers Encroachments, Mines &c in Lease to the Earle of Harrington

NEW FOREST in Hampshire consists of Nine Bayliwicks Viz^t.

The North Bayliwick

Fritham Bayliwick

West Bayliwick

Godsall Bayliwick

Burley Bayliwick

Batramsley Bayliwick

South Bayliwick

Inn Bayliwick & East Bayliwick

The whole Forest is in circumference about 50 Miles Extending in Breadth, at the North and towards Willow Plaitford, and other Town-

ships, about 4 Miles, at the South side towards Limington, Armwood, & the Sea Coast about 13 Miles, at the East Side towards Owre fawley, &c. about 17 Miles, And towards the West by Halefordingbridge Ibsley, Ringwood and other Townships about a like Dimension of 17 Miles or thereabouts. And (as appears by the Act 9th. & 10th. of King William the 3^d., for the increase of Timber in New Forest,) the same contains by estimation 85,454 Acres Stat: Measure of Wast or open Lands save what his [=has] since been inclosed for the raising of Timber for the Royal Navy.

This Forest is within the Jurisdiction & survey of his Majestys Court of Exchequer, and is Subject to the Laws of the Forest, and under the Government of a Lord Warden.

A Woodward
4 Verdurers
2 Rangers
A Bowbearer
A Purveyor &
12 Regardors.

The Forest Courts are also kept up and are held in a Hall appropriated for that purpose, in the Kings house at Lyndhurst.

There are about 300 Claims of private Persons of Manors Lands Offices and other Rights within the Forest as appears by the Entrys thereof at a Justice Seat held at Lyndhurst and Winchester the 29th day of Sept^r. 1670, wherein their Estates and all Rights to Common of Pasture, Turbary, Pannage, Estover, and other Rights, are Specify'd.

By virtue of the said Act several considerable parcels of Land have been enclosed, and set apart for raising Timber for His Majesty's Navy, since the Year 1700, And there are several large Woods of Oak Beach, & Elm, now remaining within the said Forest

There are about 3 Leases of demisable Lands within the said Forest Viz^t.

Cox Leas, and Pond head, both in Lease to Pamela Debell Widow, And New Park, in Lease to the Duke of Bedford

WINDSOR FOREST Extends into the Countys of Berks, Wilts and Surry, and is bounded by the River Thames on the North, by the River Loddon, on the West by Brodeford River, and Guilford on the South, and the River Way on the East, And is usually divided into two districts.

The 1st. comprehends all the Lands within the boundarys aforesaid lying within the Countys of Berks and Wilts, and is called the Berkshire Division.

The 2^d. contains all that lies within the County of Surry, and is called the Surry Bayliwick

The Berkshire division contains the following Walks

| | |
|---------------------------|------------------------------|
| Cranborn Chace | Bagshot Walk |
| Battles Bayliwick | Blackwater or Sandhurst Walk |
| Fines Bayliwick | Easthamstead Walk |
| Bishops Barewood Walks . | Swinley Rails Walk & |
| Finchamstead Bayliwick . | Old Windsor Walk. |

Within these are included the Manors and Lands within the several Townships & Parishes of New Windsor, Old Windsor, Sunninghill, Clevar, Winkfield, Bray, Cookham, Charlesbrooke, Swallowfield, Sandhurst, Oak-ingham, Easthamstead, Binfield, Warfield &c. And the Surry Bayliwick contains the following Walks

| | |
|--------------------------|-----------------|
| Egham Walk | Brookwood Walk |
| Windlesham Walk | Chertsey Walk |
| Trimley Walk | Warefield, and |
| Purbright Walk | Binfield Walks. |

Within these are included the Manors & Lands within the several Townships of Bagshot, Egham, Chertsey, Cobham, Byfleet Woking &c. Which including the Kings Wasts and all Royal and private Parks, within the Limits aforesaid have been computed to contain in the whole (as well the Berkshire Division as the Surry Bayliwick) about 180,000 Acres Statute Measure, and may probably contain 100,000 Acres of Land in Woods and Wasts, belonging to His Majesty, wherein the Country have their respective Claims of Rights of Common of Pasture, Turbary, Estovars Pannage and other Profits, which are contained in 69 Claims, of different natures, made before the Chief Justice in Eyre, at a Justice Seat held at Windsor Castle, the 24th of September, in the 8th Year of King Charles the 1st.

The several Walks abovementioned have their respective Keepers & Foresters, whose business is to preserve the Vert and Venison, to take care of the Wild beasts within their Bayliwicks, to attack Offenders, and to present the same, at the Swainmote Courts, and other Forest Courts, to be punished according to the Charta de Foresta.

This Forest is under the Government of
 The Chief Justice in Eyre on the South Side of Trent
 A Lord Warden of the Forest
 A Lieutenant
 Two Verdurers

A Riding Forester
Twelve Regarders
Agistors and
Woodwards

It is within the Jurisdiction and Survey of the Court of Exchequer, And there are several Leases and Grants of Land within the bounds of the Forest, passed under the Great and Exchequer Seal, viz^t. Shaw and Frogmore Farms in New Windsor to William Oldworth Esq^r. for 99 Years from 1699, at £7..&5 s. .4 d $\frac{2}{3}$ Ann.

A Messuage and Lands near Windsor Park to Charles Duke of Marlborough, for two several terms of 50 Years and 31 Years from 1743 at £5..6 s. .8 d $\frac{2}{3}$ Ann. & £1... $\frac{2}{3}$ Ann.

A piece of ground on the Castle hill at Windsor to Doctor Edmund Martin, for 31 Years from 1770 at 6^s $\frac{2}{3}$ Ann.

Lands called Queens Learze in the Parish of Bray to Sir Thomas Reeve and others, for 30 Years from 1761 at £2..10... $\frac{2}{3}$ Ann.

The Manor of Egham, to William Blaithwaite Esq^r. for 99 Years from the Death of Catharine Queen Dowager (1705) at £3..6..8, $\frac{2}{3}$ Ann.

The Manor of Chertsey and Hardwick to Sir Gilbert Talbot and al. for 99 Years, from the expiration of Queen Dowagers Leasis thereof at £6..13..10 $\frac{2}{3}$ Ann.

Says Farm, in Chertsey, to James Mallors, for 27 Years and a half, from 1756, at £2..6..8 $\frac{2}{3}$ Ann.

Potters Park to Mary Jenner, for 25 $\frac{1}{2}$ Years from 1770, at £1..16.. $\frac{2}{3}$ Ann.

Lands at and near Cobham, to Charles Hamilton Esq^r: for 21 $\frac{1}{2}$ years from 1769 at £6..16..4 $\frac{2}{3}$ Ann.

The Manor of Byfleet and Weybridge to the Earle of Lincoln for 26 Years from 1784 at £5..13..8 $\frac{2}{3}$ Ann.

A house and ground at and near Walton to the Earle of Lincoln, for 14 Years from 1770, at £14..3..3 $\frac{1}{2}$ $\frac{2}{3}$ Ann.

Brooklands Farm in Weybridge, to William Singleton for 7 $\frac{3}{4}$ Years, from 1780, at £10.., $\frac{2}{3}$ Ann.

Lands near Weybridge to Letitia Burchet, for 12 Years from 1766 at £2..11..5 $\frac{1}{2}$ $\frac{2}{3}$ Ann.

The bounds of some of these Forests may have been Abridged, by Subsequent proceedings, which do not appear in my Office

R^t. HERBERT Surv^r: Gen^l.

18th Nov^r: 1766

FORESTS, CHACES & PARKS TO BE IMPROVED

(not dated but supposed to be about the Year 1612)

| | | | |
|----------|---------------------------|-------------------------------------|----------------------------|
| Hertf. | . Barkhamstead Park | Park of Seawood. | . Lanc |
| | (demiseable). | Gueltsdale Forest. | |
| Kane | . Leigh Park. als. North | Ennerdale Forest | . . . Cumb. |
| | Park of Leigh. | (demiseable). | |
| Surr. | . Mareblack Park. | Inglewood Forest. | |
| Suss. | . The Forest of Broyle. | Hetwick Park. | |
| | Selsay Park. | Forest of Macclesfield. | . . . Chester |
| Oxon. | . Ewelme Park. | Forest of Delamere | |
| Bucks | . Langley Maris Park. | (part demiseable). | |
| | { The Forest of Pambere. | Forest of Galtres | |
| | { The Forest of Buckhold | (part demiseable). | |
| Southton | { (part demiseable) | Sheriff Hutton Park. | . . . Ebor |
| | { The Forest of Southta | Hatfield Chace. | |
| | { near Porchester. | Hatfield Park | |
| | { Little Park of Amphill. | Teesdale Forest | |
| Bedf. | . Littlington Park. | Marwood great Park | |
| | { Steppingly Park | Walley Park | |
| | { (demiseable Land). | Brancepeth east Park | |
| Wilts | . Forest of Braydon | Brancepeth west Park | . . . Durham |
| | (demiseable). | Forest of Langley parcel | |
| | { The Forest of Kingswood | of Rabye | |
| Glouc. | . (demiseable) | Raby east Park | |
| | { The Chace of Cresland. | Raby west Park | |
| Dorset. | . The Park of Gillingham | Raby Middle Park | |
| | (demiseable). | Wanley Park | |
| | { The Forest of Selwood. | The Forest of Coverdale | . . . Richm ^d . |
| | { Forest of Exmore | Wensladale & B ^{ds} : Dale | |
| Somset. | . (demiseable Land). | | |
| | { Forest of Roch. | | |
| | { Forest of Mendipp. | | |
| | { Park of Oakley. | | |
| Salop | . The Forest of Wyra | | |
| | { demiseable. | | |
| | { The Forest of Morfe. | | |
| Statf. | . Forest of Kindvand. | | |
| Wigorn | . Forest of Fochenham | | |
| | { The Chace of Malverne. | | |
| | { Forest of Mocktree. | | |
| Heref. | . Forest of Bringwood. | | |
| | { Forest of Dorvall. | | |

Tot. 54 Derominations

WALES

Brought over 54

| | | |
|-----------|------------------------|----|
| Merioneth | Forest of Snowden. | |
| Montgom. | Forest of Carnedon. | |
| | Hanhaighnion. | |
| | and Tregonion. | |
| Pembr. | { Forest of Coydrath. | |
| | { Carew Park. | |
| | { Forest of Meibeth. | |
| | { Forest of Ketendrin. | |
| Carm-hen | Forest of Cardiffe. | |
| Brecon | Forest of Brecon. | |
| Radnor | { Radnor Forest. | |
| | { Radnor Park. | 11 |

DUTCY OF LANCASTER

| | | | | |
|----------|--------------------------------------|------------------------------------|-------------------------|---------|
| Sussex | { Forest of Ashdown | { NB on the other list Sussex } | Hawra Park | } Ebor |
| | { Chace of Alborne | | Phippinge Park | |
| Southton | Sumborne Park | | Blandesby Park | |
| | | | Credling Park. | |
| Herts. | { Huntingfoldbury Park. | | Forest of Pickering | } Staff |
| | { Kingslangley Park. | | Leigh. | |
| Cest. | Halton Park. | | Barton Park . | |
| Line | Kirkby Park. | | Agardsley Park | |
| Lancast. | { Forest of Quermore & Weirsdale. | | Forest of High Peak. | } Derby |
| | { Quermore Park. | | Manshall Park. | |
| | { Forest of Amonderness. | | Bewrep Park. | |
| | { Mierscough Park. | | Forest of Duffieldfrith | |
| | { Forest of Bowland. | | Forest of Leicest. | } Leye |
| | { Radham Park. | | Thollow Park. . | |
| Libor | { Forest of Knaresborough. | | | |
| | { Belton Park. | | | |
| | { Haya Park. | | | |

Dutchy of Lancaster 29

Tot. in this List. 94

NB There are besides on the other
other List of 1663 not in this 34

Tot 128

FORESTS PARKS & CHACES NOT GRANTED AWAY NOR IMPROVED IN 1663.

| | | | |
|------------|---------------------------------|----------------------|--|
| Southton . | Forest of Aliceholt & Woolmer, | Durham . | Langley Chace. |
| | Forest of Eastbear, | | Marwood Hagg. |
| | New Forest, | Cumbl ^d : | Teesdale Forest. |
| | New Park there. | | Gueltisdale Forest. |
| | Buckholt Forest. | | Ennerdale Forest. |
| Essex . | Waltham Forest. | Isle of Wight } | Carisbrook Forest & Park. |
| Oxon . | Whichwood Forest. | | DUTCHY OF LANCASTER |
| | Woodstocke Parks. | Sussex . | Ashdown Forest. |
| Nott . | Sherwood Forest. | Wilts . | Alborne Chace. |
| Devon . | Dartmore Forest. | | NB this is set down on the other List to Sussex . |
| Somset . | Exmore Forest. | | |
| Chester . | Delamere Forest. | | |
| | Macclesfield Forest. | Middx. . | Endfield Chace. |
| Glouc . | Dean Forest. | Ebor . | Knaresborough Forest |
| Middx . | Hampton Court Parks | | Pickering Leigh Forest |
| | S ^t : James's Parks. | Lane . | Mierscough Park. |
| | Hyde Park. | Staff . | Needwood Forest. |
| | Marybone Park. | Derby . | Peak Forest. |
| Surry . | New Park. | | |
| Northton | Rockingham Forest. | | |
| | Salcey Forest. | | Tot of this List . 46. |
| | Whittlewood Forest. | | |
| Berks . | Windsor Forest. | | |
| | Great Park. | | |
| | Castle Park. | | Many of these Forests, Parks, & Chaces, may probably be granted off in Fee or otherwise, which do not appear in my Office. |
| | Bagshot Park. | | |
| Hunts . | Somersham Chace. | | |
| | Waybridge discharge. | | |
| Ebor . | Forest of Wensladale. | | |
| | Ankilgarthdale. | | |
| | Bishopsdale. | | |
| | Coverdale Chace. | | |

R^t: HERBERT Surv^r Gen^l:
18th Nov^r: 1766.

DOCUMENT III

2^d. March 1, 1725.

Navy Boards Warrant
to Portsmouth Officers
relative to the New
Forrest in Hampshire.

By &c^a.

The Surveyor of the Forrest having objected against several Expences charged upon the Timber supplied out of the New Forrest for the use of the Navy; We have considered thereof, and in order to reduce them as much as We can see reasonable with due regard to the Service, have determined for the future when any Trees in the New Forrest are to be set out for such use or for Repairs, or for Sale for fees of the Forrest, on proper notice given by the Commissioner to the Forrest Officers, or by them to the Commissioner, the Master Shipwright, or one of his Assistants only, with the Purveyor, Deputy Purveyor or some other Shipwright well skilled in Timber, in all three Persons, and no more, shall attend those Services, being provided with different Marking Hammers (so made as not to be counterfeited if possible) with two faces, the one to mark such Trees as are judged proper to be felled for the use of the Navy, and the other for defective Timber, or such as is not fit for the Navy, which said Hammers are not to be made use of by any other Persons than themselves, or at least not out of their sight, without particular Order from this Board, or the Commiss^r. of the Yard; And the said Three Persons, in conjunction with the Forrest Officers, are to sett out and mark the Number of the Trees assigned by Her late Majesty's Order to be felled yearly, or that shall hereafter be ordered to be felled for the use of the navy, taking care to choose such Trees as are most fit for the Service of the Navy, and to the preservation and improvement of the Timber in the said Forrest, and as they make their Choice they are to stamp & number each Tree on the Root & Stem with each of their Hammers, so as that the Marks may appear on both when felled, and to keep distinct accounts of their Numbers, and take notice, against each number of the use of the Tree, the number of the Branches to be cut off standing whether the Tree is to be Grubbed or Felled, and the place where it grows, and likewise the Persons Names by whom the Timber is to be squared and by whom to be carried to the Waterside.

When the Trees are all felled the Master Shipwright, or one of his Assistants, in conjunction with the Purveyor, Deputy Purveyor or some other Shipwright as aforesaid, shall mark them, and put their respective numbers on their Butts, and Stubb Shoots, and likewise on the Tops, and all the Limbs that are Cutt, or to be Cutt off, that may be any way fit for the Service of the Navy, and on such parts of the Trees as are ordered to be separated, and at the same time order the squaring of such as are fit for the Navy, and the converting of such Timber as requires any Conversion or Breaking on account of Carriage, and the said Officers are carefully to mark out all such small Timber as shall arise out of the Tops and Branches of the said Trees, as are well grown, and fit for small Knees and Compass Timber for Lighters, Boats &c^a., tho it be made seven Inches square. And when the Timber is all squared, there may be a third review with the same number of Naval Officers, and a Shipwright, as aforesaid, and at this review the Timber sett out for the Navy, or found fit for the Service of the Navy, is to be measured as well for the satisfaction of the Forrest Officers, who are to have timely notice of this review from the Commiss^r., as for the Purveyor, who is to indent for the same with the Surveyor of the Forrest, and to know when the Timber is received into the Yard, whether there has been any of it lost, or changed. At this management the Officers are to see that the Timber for the Navy is properly squared, or to make sufficient deductions to reduce the Contents of each piece to what it should be if rightly squared, and to mark the Contents so produced on each respective piece, and each Officer to set down the same in his Book against the Number of the Tree, and number each Tree again with its respective number on its sides, and at each end, where it is not sufficiently done before, and at this, as well as on the second review, take notice of all such Timber as proves unfit for the Service of the Navy, and to remark the same in their Books against the respective numbers, & to mark such pieces with the proper face of the Hammer for defective Timber, and when the Timber is so squared, measured, & marked, such of it as is fit for the Navy should be carried to the Waterside by the Contractor for the Carriage, and from thence to His Majesty's Yard at Portsmouth by His Majesty's Vessels.

And when there is any Timber to be set out for the Repairs of the Forrest or for Sale, upon notice given to the Commiss^r., the said Naval Officers shall attend the same, taking care to the best of their Judgement that such Trees are only set out for those Services as are unfit for the use of the Navy, and unlikely ever to prove so, and to mark them with

the proper Face of their respective Hammers for defective Timber, and when such Timber is felled, upon proper notice, the same number of Naval Officers are to view the same, and in case upon this review they find any of the said Trees, or any part of them, prove sound and fit for the use of the Navy, they are to mark such Trees, or part of them, with the proper Face of their Hammers, and to order the Conversion, Squaring, Measuring and Carriage of the same, and take an Account thereof as aforesaid for serviceable Timber. And upon those reviews they are to do the same by all casual Timber that is down, marking with the serviceable Mark all such as is found fit for the Navy, and with the Cast Mark, such as is not so, numbering all the Timber they take an account of.

As each of those Reviews will require but a very few days, if the Officers that are charged therewith exert themselves according to their Duty, and our expectations, the former Charges in the Forrest will be much retrenched.

And forasmuch as the due preservation & propagation of Timber in the New Forrest will be a very great advantage to His Majesty's Service, the said Officers while they on these Occasions traverse the Forrest, or others that may at any time be ordered there on His Majesty's Service, are hereby strictly charged to make exact Observations how the late Act of Parliament, and the Laws and Directions for the Preservation of the Timber, are complied with, and to give the Comm^r. an immediate Account of whatsoever Abuses or Neglects they discover from time to time, that We may thereby know the same.

Thus the Affairs in the Forrest may be sufficiently taken care of, and as the Persons that shall Contract for Squaring Carting &c^a. of the Timber will for their own advantage be careful as much as in them lyes to preserve the Timber, We hope all Embezlements will be prevented, especially if the Surveyor of the Forrest or his Deputy stamp the Broad Arrow and Crown on each of the said Trees, and the parts of them that shall be separated, which the Navy Officers are to desire them to do.

When the Timber is brought to the Yard it is to be measured there by the proper Officers, and the respective numbers set down against the Contents of each piece, the better to compare the measurement with that taken in the Forrest in case any Dispute should arise with the Forrest Officers, the Squaring, Converting Carriage &c^a. to be allowed for by the Measurement taken in the Yard.

Dated 2^d. March 1725

To the Respective Officers

at

Portsmouth.

DOCUMENT IV

DARTMORE
Deputy Auditor's Report
18th: January 1733.
(Copy)

To His Royal Highness's Hon^{ble}. Board of Council.

In Obedience to an Order of this Hon^{ble}. Board signified to the Hon^{ble}. Charles Montagu Esq^r. His Royal Highness's Auditor of the Dutchy of Cornwall by Lyonel Vane Esq^r. the 19th October last, Therewith lay before your Honours an Account of the ancient and present State and Constitution of His Royal Highness's Manor of Lydford and Forrest of Dartmore in the County of Devon, as far as the same appears to me in the said Office of Auditor of the Dutchy of Cornwall, Viz^t.

By Copy of a Survey of the said Manor and Forest, taken before S^r. W^m. Strode Kn^t. and others in the 6th year of King James the 1st. 1608, wherein are set forth the Boundaries and Customs of the said Manor and Forrest, with the Names of sev^l. Tenants of the said Manor of Lydford; and also a Copy of M^r. Auditor Hockmore's Report to the Prince's Council concerning the said Forrest in the Year 1621. And a Rentall of the Venvill Rents of the said Forrest of Dartmore.

As hereafter followeth

At a Court of Survey holden at Oakhampton in the County of Devon the 16th Day of August in the 6th Year of the Reign of Our most gracious Sovereign Lord, James by the Grace of God of England, France and Ireland King, Defender of the Faith &c, and of Scotland, the 42^d before S^r. William Strode Kn^t. and Richard Connock Esq^r. Auditor of the Dutchy of Cornwall, Robert Moore Esq^r. and Robert Paddon, Gent. Commissioners, by Virtue of a Commission from His said Majesty to them and others directed, bearing Date the Day of in the 5th Year of His said Majesty's most happy Reign, concerning the Survey of divers Honors, Castles, Manors, Messuages, Lands, Tenements, Forrests, Chaces, Parks and other Profits, belong^g. to the said Dutchy of Cornwall; as by the same Commission, under the Great Seal of England more at large it doth and may appear, the Jurors then and there returned (Scit) Edward Skirrett, Walter Hele, Roger Cole, Henry Burges, Rich^d. Edmond, Gregory Gaie, John Bickford, Hugh Elford, Jn^o. Masy, Roger

Drake, Walter Lillicrap, Jn^o. Chubb, Stephen Taverner, Andrew Haywood, Roger Wickett, W^m. Searle, Robert Hannaford, John Wills, John Hele, Walter Tuckerman, W^m. Mudge, W^m. Ilbert, Tho^s. Turges, Ellies Harris to enquire of the Bounds and Limits of the Forest of Dartmore and of all such Person and Persons as have Interest of Common there, and with what Beasts, and at what Times and Seasons and what other Commodities the same Person & Persons may usually have and take within the said Forrest and Manor of Lydford, and what Profits and Commodities do from them yearly come unto His Majesty and to the Lord Prince for the same; and likewise what other Lands and Tenements Regalities, Rights, Estrayes ⁴ and Profits do belong to his said Majesty and Lord Prince, lying adjoining and near to the said Forest, and what Right, Title or Occupation any Person or Persons do claim or ought to have in and to the same, and what yearly Profits do arise and grow out of the said Lands, and likewise what Offences, Trespasses, and Misdemeanors are committed and done within the said Forrest and Lands, and by whom; The said Jurors upon good Testimony shewed them, Witnesses sworn and upon their own Knowledges do present upon their Oaths as followeth; first, they do present, that the Bounds of the Forrest of Dartmore, as they the said Jurors do find partly by the Copies of ancient Records, partly upon the Evidence of other Persons and partly upon their own Knowledges, but especially as the said Bounds have been used and accustomed, to be these as follow, beginning at a high Hill lying in the North Quarter of the said Forrest, called at this Day Costdon als Coeson, and in the Records written (Hoga de Costdown) and from thence lineally Eastward one Mile or more unto little Houndetorr, which in the said Record is called (Hoga de Parva Houndetorr) and from thence lineally to a Place named in the said Records, Thurlston, now as they suppose called W dontor, being of about $\frac{3}{4}$ of a Mile from Houndetorr aforesaid and from thence near a Mile to Wotesbrook Lake Head which falleth into Teygne, which Lake they think to be the same which is now called Whodelake, at which Place they account the North Quarter to end; and from thence near one Mile to Hingstone als Highstone in the East Quarter lying near Fernworthy Hedges, and from thence lineally near one Mile to Yestone now commonly called Hethstone, and from thence lineally thro' a Fenny Place called Turfhill, but named in the old Records (per media Turbaria de Alberyside) to a Place called King's Oven, and in the said Records named Turnum Regis, & from thence to Walbrook head and so along by Walbrook, until it fall into

⁴ The right to straying or wandering cattle.

Easterdart, and so downwards by the said Easter Dart to another Dart called West Dart, and from thence ascending by the said Wester Dart unto Wobrook foot, where the East Quarter endeth, and from thence lineally to Drylake alſ Drywork, and from thence ascending by Drylake unto Crofeild Ford, or Dryfeild Ford, and from thence to Knattleborough, which they take to be the same in the old Records Knatterhill, and so from thence descending lineally to Wester Wellebrook head, & so by the same Wester Wellebrook until it falleth into Owne alſ Avon, and from thence lineally to Easter Whittaborough, and from thence lineally to Redlake Foot, where it falleth into Erme, and from thence lineally ascending which they take to be a Place named in the said Records Grimsgrave, and from thence to Plymhead, where the South Quarter endeth; and from thence lineally to Ellisborough, and from thence lineally to Seaward's Cross, and from thence to little Hisworthy and so from thence lineally to another Hisworthy and so from thence lineally thro' the midst of Mistor Moor to a Rock called Mistor Pann and from thence lineally to Dedlake head, which they think to be the next Bound that is called in the Old Records (Mewborough) and from thence lineally Northward unto Luntsborrowe, which they think to be the same that is called in the Records Lullingsfote, and from thence lineally to Wester Redlake, between which two Bounds the Wester Quarter Endeth; and from thence Northward to Rattlebrook foot and from thence to the Head of the same Rattlebrook and so from thence lineally into Steynekatarr and from thence lineally to Langaford alſ Sandiford, and so from thence to Thefford which lyeth on the East Side of the Chappel of Halstock and so from thence lineally to the said Hill called Costdon alſ Coscon, where they began.

Manor de Lydford

Jur de Homagie Man ij pred

....

17^{mo}. Aug^{ti}. 1608

| | | |
|-------------------------------|---|------|
| Michael Manne | } | Jur. |
| Robert French | | |
| Tho ^s . Langworthy | | |
| Jn ^o . Hannaford | | |
| Andrew Hannaford | } | Jur. |
| Jn ^o . Hitchen | | |
| Roger Beard | | |
| W ^m . Leyman | | |

First, they present that they are Tenants by the Verge to them and to their Heirs according to the Custom of this Manor.

Item, they have presented the Sev^l. Names of the Tenants with their several Rents and Lands which they severally hold, which, the said Tenants being sworn, have delivered to the Commissioners in Writing which is hereunto annexed.

Item, They present that they take the Land in the open Court, by Surr[ender] to the Steward, by Delivery of a Moate in the Presence of the Reeve, & of 3 of the Homagers whereupon the steward doth grant the same again by Redelivery of the same Moate.

Item, They present that upon the Death or Surrender of every Tenant, the Kings Maj^{ty}. is to a Relief, Viz^t. One Years Rent.

Item, They present that upon Warning given by the Forrester to the Reeve & by the Reeve to the Tenants they are bound by the Custom of this Mannor to assist all the Forresters of the East, South & West Quarters of the Forrest of Dartmore to make as well one Winter Drifte for Colts at their own charge & to drive them to Dunnabridge Pound, & keep them there in the Pound by the Space of two Days & 3 Nights next after the said Drift at their own charge, & from thence to drive them to Lydford to the King's Pound there at their own charge, likewise taking of the Forrester only One halfpenny White Loaf of Bread a Peice; As also 3 sev^l. Drifts of Cattle in the Summer time commonly called the Summer Drifts & bring the Beasts to the said Donnabridge & Lydford Pounds at their own charge as is aforesaid, taking also of the Forresters for every of them One halfpenny Loaf of White Bread. And for every Default herein by any of the said Tenants or of some other sufficient Pson for him to do this Service, every Tenant making default herein doth forfeit to the King's Majesty the Sum of 6^s. 8^d of Lawfull Money of England.

Item, They present that if two or more estrayed Colts or Horses do remain at the Surrender Day, which is the next Court Yearly held after Roodemas,⁵ that the best of such Colts or Horses the Steward takes always for his Fee & the Second the Reeve & Tenants do take as their Fee by the Name of a Meal Hog, the Residue of such Estrays are the Lords of the Manor, & are to be sold & accounted for the next audit.

Item, They present, that of the Estrayed Bullocks the Steward of the Manor hath the first for his own use & the Lord all the Residue.

Item, They present that every Estrayed Beast as well Horse as Bullocks are to remain 2 Days & 3 Nights in Donnabridge Pound & from

⁵ Holy Cross day, September 14.

thence are to be Driven to Lydford Pound there to remain 8 Days at the least before the Surrender Day, & if none come to claim them within that time they are to be Surr[endered] as aforesaid.

Item, If any Cattle be taken, to be unmasked above the Age of One Year & One Day they are to be seized to the Lords Use.

Item, They present that whereas the Father and Ancestors of Sr. Tho^s. Wise Kn^t. have used to drive the Downes called Stannon Downe, Gnatter Down & Blackadon being Venvill, as Parcell of the Village of Willesworthy & thereupon have brought such Estrayes as they have found there to Lydford Pound to be Surrendered to the Use of the Kings Majesty as is aforesaid. Now Sir, Tho^s. Wise Kn^t. doth detain such Estrays to his own Use to the Disharison of the Lord of this Mannor.

Item, They do present, that the Forresters ought not to make their Summer Drifts, before they be appointed by the Steward a Day certain for every of their several Drifts & that the steward of Lydford or some Deputy for him ought to be at the Pound of Donnabridge to take & set down in Writing the Number of the Cattle for which the steward hath an Yearly Fee.

Dartmore

*The Names of the Free Tenants & of
their Tenements and Rents.*

| | £ | s | d |
|---|----|-----|----|
| Mich ^l . Manne for Renwigg | 0. | 4. | 11 |
| Walland | 0. | 4. | 11 |
| W ^m . Baron } One Teñt ⁶ in Piswell | 0. | 7. | 3 |
| Rob ^t . French } | | | |
| Joan Horseham — Teñt in Piswell | 0. | 6. | 2½ |
| Rob ^t . French for Durye | 0. | 3. | 5 |
| Rob ^t . Ridgway Kn ^t . for Riddon | 0. | 6. | 4 |
| Ellis Dunridge for Babeney | 0. | 6. | 4½ |
| Gyles Risddon Esq ^r . } Teñt in Babeney | 0. | 6. | 4 |
| Mich ^l . Sturre } | | | |
| Gyles Risedon Esq ^r . Teñt in Babeney | 0. | 6. | 6½ |
| Rich ^d . Atwile } a Teñt in Bremst | 0. | 17. | 1 |
| Ans. Steamen } | | | |
| Austen Hext } | | | |
| Francis Glanville Esq ^r . for Hookby | 0. | 8. | 3 |

⁶ Tenement.

| | | | |
|---|---|--------------------------------------|----------|
| Jn ^o . Hannaford | } | 1 Teñt Hookby . . . | 0..5..0 |
| | | another Teñt in D ^o . . . | 0..7..3 |
| John Hannaford for | | Hickworthy . . . | 0..6..4½ |
| Andrew Hannaford | } | Hexworthy . . . | 0..7..1½ |
| John Hitchin for | | | |
| Roger Beard & Rich ^d . Hamlyn | } | Hexworthy . . . | 0..7..1½ |
| Mary Fitz for Sherborne | | | |
| Edmund Fortescue for D ^o | | | 0..3..8¼ |
| Mary Fitz For D ^o | | | 0..6..10 |
| Dorothy Glanvill for Brembery | | | 0..4..7½ |
| Mary Fitz for Prince Hall | | | 0..8..0 |
| Fran: Glanvill Esq ^r . Donnabridge | | | 0..3..9½ |
| Mary Fitz for Donñal | | | 0..3..9½ |
| Ralph Woodyly Gent: Donñal | | | 0..4..2 |
| Mary Fitz for Donnal | | | 0..4..1 |
| Mary Fitz for D ^o | | | 0..4..½ |
| Fra ^s . Glanville Esq ^r .) For the Westerplace there | | | 0..3..4 |
| William Leyman & Thomasine his Wife for | } | Bellabur . . . | 0..3..4 |
| Tho ^s . Stphen for Bellabur | | | |
| Pancrass Hodge for Lakehead | | | 0..6..0½ |
| Rich ^d . Cabell Gent & Tho ^s . Langworthy for | } | Hartsrl ^d | 0..6..9 |
| Ja ^s . Knapman for Merrapitt | | | |
| Tho ^s . Langworthy and Peter Smerdon for | } | 1 Teñt Piswele | 0..7..3 |
| | | | |

9..15..1½

The New Takers

| | |
|--|----------|
| Michael Mann for a Mill and two Acres | 0..0..2 |
| Will ^m . Baron for two Acres | 0..0..3 |
| Rob ^t . French for two Acres | 0..0..3 |
| Joan Horseham for One Acre | 0..0..1½ |
| Rob ^t . French for 4 Acres | 0..0..6 |
| Robert French for Seven Acres and an half- penny Land | 0..0..8½ |
| Jn ^o . Hannaford for Cold East | 0..0..6 |

| | |
|--|----------|
| John Hannaford for Wikeford Mills & two Acres | 0..0..3 |
| Thomas Denband for 4 Acres | 0..0..6 |
| W ^m . Eaton for Cold East | 0..0..3 |
| Roger Beard & Richard Hamblyn } for Cole East 4 Acres | 0..0..6 |
| Dorothy Glanville for two Acres | 0..0..3 |
| Mary Fitz for 4 Acres | 0..0..6 |
| Mary Fitz for Takers Park | 0..0..3 |
| Richard Cabell for two Acres | 0..0..3 |
| Tho ^s . Langworthy for two Acres | 0..0..3 |
| Anthony Rowe a Mill and an Acre | 0..0..1½ |
| Tho ^s . Reynell Knight a Mill and an Acre | 0..0..1½ |
| Nicholas Tuckfield a Mill two Acres | 0..0..3 |
| Robert French for a halfpenny Ground | 0..0..0½ |
| Pancrass Hodge for two Acres D ^o | 0..0..3 |
| Pancrass Hodge for a halfpenny Land | 0..0..0½ |

0..6..4

Memorandum

The above Rents amounting to £9..15..1¼ were no part of Sr. Nich^s. Staning's Grant of Dartmore Forrest, but have all along been answered at the Audit every Year by the Reeve of the said Manor of Lydford for the time being.

Mr. Auditor Hockmore's { Certain Objections concerning the Forrest
Report } of Dartmore and Manor of Lydford in Com
Devon. March 1621.

The Prince's Highness (amongst other Things) is seized of the Manor, Castle and Borough of Lydford and Forrest or Chace of Dartmore in the County of Devon.

The Manor of Lydford consists of about 32 Freeholders, who dwell dispersed in sundry Places of the said Forrest; Their Tenure was by Copy according to the Custom of the said Forrest, with a Fine upon Admittance and a Farleive⁷ upon Death. Their Rents amount to £9..15..1; but now I find not any such Fines or Farleives answered, which is fit to be revived and the Stew^d. to have Directions for the same.

For the Forrest of Dartmore, it appeareth that the whole County of Devon was a Forrest, 'till Anno 5^{to}. Tohis, who by his Charter did disafforest the said County, usq; ad metas antiquor Regardor de Dart-

⁷ Variant of Scots *farlen*; money paid in lieu of heriot.

mora et Exmora, que Regard fuer . . . tempore Regis Hen: 1^{mt}. and did licence them to make Saltatoria^s vel Haias, Ditches or Hedges, every where within the County except it were In divisis pred Moraru.

This Charter was confirmed by King Hen 3^d 25 April 36^{to}. of his Reign. In Anno 24^{to}. Hen 3^{ty} upon a Writ directed from the King, there was a Perambulation made of the said Forrest per Commune Consiliu Rici Com Cornut et pictar et Militu tibe tenentiu in Com Devon. In which the Bounds of the said Moore as they now stand were set down upon Oath.

There is besides this Forrest another great Waste or Moore abutting upon the same called the Common of Devonsh, It seemeth by the Records, that anciently all the Waste Ground which lay between the Bounds of the Forrest and the Cornditches and Lepeyatee, was called by this Name; but now these are appropriated by divers Owners and several Names imposed, only that Waste which is on the WesterSide of the Forrest between Tavistock and Plimpton retaineth the Name.

This Common of Dartmore is part of the Dutchy of Cornwall, as it may appear upon a Trial had upon an Information of Intrusion against Staning about 9^o Eliz. wherein ten thousand Acres of the said Waste which he had appropriated and claimed as his own private Common and Inheritance were recovered from him, which were fit to be looked unto; for I suppose the Intrusion continues notwithstanding the Recovery. I have likewise heard of the like Recovery against the Abbot of Buckfast in the Time of King Henry 8th.

There are divers Towns abutting upon the Forrest, and within the Purlieu thereof, who because their Cattle did daily escape into the Forrest, were at a certain Fine, which being turned into a Rent, was called Finis Villaru and those which dwell within those Liberties are called at this Day Venville Men.

These Men in regard of this Rent which they pay, do claim Common for as many Cattle as they may Winter upon their Tenements, and their Custom was to come to the Forrest by Sun & get home by Sunn, and if their Cattle were taken delinquents in Forresta, they paid 3^d for every Night Rest or Graze Wait, as they term it. If they kept more Cattle than they could Winter upon their Tenement they were to pay as a Stranger for the Overplus, now they keep without Stint & pay only 3^d. 4^d Ann. for Night Rest, which is against the Custom of the Forrest & Prejudice of His Highness.

The s^d. Moore is of great Extent, well near 60 Miles compass, but

^s Deer leaps.

- swered to the Prince, w^{ch}. I think are detained by the Forresters for I find none certified by the Steward.
3. That the Venville Men may not oppress y^e Com^{on} with more Cattle than they can Winter & especially with Sheep.
 4. That whereas the Steward doth let the Ground within the Forrest at 1^d. ̄P acre, which kind of taking, they call Hew Takers & claim the Inheritance & should not take above a certain Quantity of 8 acres at most that he be inhibited from granting any such Estates & that an Estimate may be taken of the Quantit^s. of their Grounds w^{ch}. they so hold, for they take 5 Acres & hold 20 or 30 & say it is Forrest Measure, yet pay but 5^d. & when they have spent in it Tillage, then lye it out again.
 5. That a Survey be taken of the Quantit^s. of the Freeholders Tenem^{ts}. & their Rents, because it is thought they have incroached part of the Forest they have likewise of late without any Form of taking begun to inclose some ̄Pcells [=parcels] of the Forrest & to Till them, w^{ch}. is fit to be timely redressed.
 6. The Tenants proscribe, that no Amercem^t. in Lydford Court cannot be above 3^d. by w^{ch}. means the greatest Offenders are secured by the Payment of 3^d.
 7. There is a Mill within the Forrest called Babeney Mill, w^{ch}. the Freeholders did claim, but is in his Highness Dispose & fit to be estated.
 8. That an Examⁿ. & View may be taken both of the Claims & Lands of the Bordorers w^{ch}. lye as Common adjoining to the Forest of Dartmore, because they claim them as their proper soil (Albeit it be part of the Common of Devon as is aboves^d.) & also because they out the Prince of his Drifts & Seigneurie in divers of them.

All which are humbly referred to the
Consideration of this Hon^{ble}. Table.

Com: Devon

A Rentall of the Venville Rents of the Forrest of Dartmore in the County of Devon parcell of the ancient Possessions of the Dutchy of Cornwall — Viz^t.

EAST DARTMORE.

| | |
|--|-----------|
| The Rent called ffin [fee farm in] Villar of } | |
| Chagford payable at Midsummer Yearly } | ..0..1..0 |
| 7 ^r Ann. } | |
| The Hamlet of Teukenham honcè in the Parish } | ..0..4..0 |
| of Chagford ̄P Ann. } | |

| | |
|--|-----------------|
| The Town of Hareston \mathfrak{P} Ann. | ..0..1..8 |
| The Town of Littleford in the Parish of North Covile | ..0..0..4 |
| The Hamlet of Hockyn in the s ^d . Parish \mathfrak{P} Ann. | ..0..0..4 |
| The Town of Eden in the s ^d . Parish \mathfrak{P} Ann. | ..0..3..0 |
| The Town of Sheerewell \mathfrak{P} Ann. | ..0..3..0 |
| The Hamlet of Kyndon \mathfrak{P} Ann | ..0..0..1 |
| The Hamlet of Northwood Hyde in \mathfrak{P} ish [Parish] Whitcombe | } ---4½ |
| The Hamlet of Northyate Row in the same \mathfrak{P} ish [Parish] | |
| The Town of Hupercate | ..3..7 |
| The Town of Grendon in the same \mathfrak{P} ish [Parish] | ..1..— |
| The Town of Fenn in the Parish of Chagford | ..—..4½ |
| The Town of Turston | ..—..8 |
| The Town of Chalnecombe in the Parish of Menaton | } ..—..10 |
| The Town of Willinghide in the same Parish | |
| The Town of Edworthie | ..—..6 |
| & The Town of higher Tuster | ..—..3 |
| | <hr/> £1..2..11 |

WEST DARTMORE.

| | |
|--|---------------|
| The Town of Thawe | ..—..7 |
| The Town of Brightworthe in the \mathfrak{P} ish of Meury | ..2.. |
| The Hamlet of Livingston in the same Parish | ..—..2 |
| The Town of Gadnowe | ..—..2 |
| The Town of Mewey | ..—..2 |
| The Parish of Thedford | ..3.. |
| The Town of Denecombe in \mathfrak{P} ish of Walthamp ^{ton} | ..1..6 |
| The Parish of Sampford Spannay | ..1.. |
| The Parish of Whytechurch | ..1.. |
| The Parish of Petre Stravey | ..—..5 |
| The Town of Cudlippi | ..—..5 |
| Witham londe and Torrland | ..—..3 |
| Taneton in the Parish of Tavestoke | ..—..2½ |
| Twist in the same Parish of Tavistoke | ..—..2½ |
| The Parish of Radiche Pecheliff | ..—..3 |
| Margaret Land in the same Parish | ..—..2 |
| | <hr/> ..11..6 |

SOUTH DARTMORE.

| | |
|--|---------|
| The Town of Hole | ..18.. |
| Sturton in the Parish of Buckfastleigh | ..17.. |
| Sherdon in the Parish of Dean Prior | ..—..7 |
| & Uxborough | ..—..5 |
| | <hr/> |
| | 1..16.. |

NORTH DARTMORE.

| | |
|--------------------------------------|-------------|
| Throwley | ..2..6 |
| The Town of Colwine in the Parish of | |
| Chagford | ..—..8½ |
| The Parish of Southtawton | ..7..4½ |
| The Town of Sele | ..—..6 |
| The Parish of Kelston | ..3.. |
| The Town of Hallstocke | ..2.. 6 |
| The Parish of Sturton | ..—..4½ |
| The Parish of Bridstone | ..2.. |
| & The Town of Willesworth | ..2.. |
| | <hr/> |
| | £ 1..—..11½ |

I have examined into the Acco^{ts}. of the said Forrest of Dartmore from the 11th Year of Queen Eliz. to the 19 of King James the 1st. when the same was in hand and do find that the clear Profits arising thereby were then about £40 ꝑAnn. The chief of which Profits arise by Pasturing of Cattle therein at such Rates as in Mr. Aud^r. Hockmon's Report afore-going is set forth

The Forresters of the 4 Quarters of the said Forrest not appearing at the Audit in Oc^r. last, tho' due Notice was given, to render an Acco^t. of the Profits arising by the Venville Rents and the Pasturage of Cattle in the said Forrest, I am incapable of laying before your Honours any Acco^t. of the present Value thereof.

When the first Lease was made the 1st. June 1624 then the new Takes amounted to £1..15..11 ꝑAnn and no more, and the same being in Lease ever since that time the sev^l. Lessees were legally intitled thereto, which has prevented any Acco^t. from time to time being laid before the Auditor; so that I cannot give a just Acco^t. what they now amount to, but have been informed they do not exceed £ 5 ꝑAnn.

The Lessee of the said Forrest likewise farmed by the same Lease the Profits of the 4 Stannary Courts ⁹ of Devon under the Rent of £1..13..6

⁹ Special courts with jurisdiction over tin mines.

⌘Ann which I believe was the full worth thereof, and also Lydford Mills under the Rent of £ 1..10 ⌘Ann, both which are now in His Royal Highness's Hands, but the Value of the Mills I know not.

This is the best Account I am at present capable of laying before your Honours.

Which is most humbly inscribed by

W. SOLEY, Dep^y. Aud^r.

18 Jan^y. 1733.

The clear Profits of the Forrest of Dartmore when in hand answered and paid for the several years following. Viz^t.

| | | |
|-------------------|-----------|--------------------------|
| 11 Eliz. | | £65..3..3 |
| 14 D ^o | | 43..18..9 |
| 15 D ^o | | 44..9.. |
| 17 D ^o | | 41..15..5 $\frac{3}{4}$ |
| 23 D ^o | | 38..14..5 |
| 28 D ^o | | 38..12..7 |
| 33 D ^o | | 32..8..6 |
| 38 D ^o | | 62..7.. $\frac{1}{2}$ |
| 39 D ^o | | 54..18..11 $\frac{1}{2}$ |
| 5 Jac [James] | | 42..17..3 $\frac{1}{4}$ |
| 15 Jac | | 28.. 0..5 $\frac{1}{2}$ |
| 16 Jac | | 29..10..1 $\frac{1}{2}$ |
| 19 Jac | | 24..18..8 $\frac{1}{2}$ |

Coñibis [Communibus] annis about £ 40 ⌘Ann.

1 June 1624 a Lease was granted by P. Cha: To Thomas Reynell Esq^r. of the said Forrest (scit ad) for 31 years from Lady Day before the Date under the Rent of £ 28..12..5 ⌘Ann.

In which Lease the new Takes are said to amount to 14^s..5^d ⌘Ann only, and are also mentioned to be the same Sum in all the 3 subsequent Leases, the last of which was granted to S^r. Nich^s. Staning 25 Jan^y. 1675. But I find by a Mem^{don}. full as ancient as the last mentioned Lease, the then new Takes amounted Viz^t

| | | |
|-------------------------------|-----------|----------------------|
| In the East Quarter | | £1.. 5..4 |
| & In the South Quarter | | 0..10..7 |
| | | <hr/> 1..15..11 |
| New Takes in the East Quarter | . . . | 1..16.. 0 |
| South Quarter | | 1..10.. 5 |
| | | <hr/> Total £5..2..4 |

DOCUMENT V

FOREST OF DARTMORE
 Mr: Heywood's Case
 with Mr: Heath's
 Opinion thereupon
 Dated 16th: August 1766
 (copy)

Case. The Forest of Dartmore is of a very large Extent containing many Thousand Acres and is part of the Antient Dutchy of Cornwall, It was Granted by King Charles the 2^d: in the 27th: Year of His Reign to Sir Nicho^s: Stanning Baronet an Ancester of James Modyford Heywood of Maristow in the County of Devon Esq^r: for 99: Years Determinable on the Deaths of three Persons under the Yearly Rent of £31:15^s:11^d and continued in the Marristow Family till *about the Year 1735 or 1736*. when on the Death of the last Life it fell into the Hands of the late Prince of Wales who in Consideration of £450..0..0 Granted it by Patent dated 13th: July 1739 to M^{rs}: Mary Heywood and Abraham Elton Esq^r: (Mr. Heywood's Trustees) for 99 Years Determinable on the Deaths of M^r: Heywood and his Two Sisters under the like Rent of £31:15.11 — A copy of this last Patent you have herewith.

Lady Day
1733

The Forrest is Reputed to be in the Parish of Withecombe otherwise Widdecombe in the Moore and within the Manor of Lydford in the County of Devon but in the general Acceptation of the Word Withecombe It means only the Cultivated Lands lying Round the Parish Church of Whitecombe which is in the Midst of the Forest and you will be pleased to take the Word in this Sense only when it Occurs in this Case.

The Profits of the Forest arise chiefly from depasturing Cattle there in Summer, There are a number of Priors or Herdsmen who are Licenced by M^r: Heywood to take in Cattle of which they are obliged to give Accounts at a Certain Day, but as their Accounts cannot be Depended on, it has been always a Custom to Drive all the Cattle on the Forest to Certain Pounds Erected for that Purpose, and there to take an Account of them.

There are in Withecombe Thirty five Freehold Estates or Tenements the Owners of which Claim Divers Privileges on the Forest and t'is probable that on Account of these Privileges they are always Obligated on a Short Notice to come or send out Men to Assi[s]t in Driving the Cattle to the Pounds as above, and they are also Obligated to do Suit and Service to the Court of Lydford which is said to be a Court of great Antiquity, And that it had formerly great Jurisdiction but of late Years it has not been much regarded, but a Court Leet and Court Baron is still held there twice in the Year the Steward of which is Appointed by the Duke of Cornwall. Among the Privileges Claimed by the Owners of these Thirty five Tenements, is the following, (Viz^t;) when a Man comes to his Estate by the Death of his Ancestor he Claims the Liberty of Inclosing Eight Acres of Land on any part of the Forest on paying one Shilling Yearly for the same, or when a Man Purchases either of these Thirty Five Tenements he Claims the same Liberty.

In Order to this, the Claimant calls together the Reeve and all the Freemen of the Forest.

The Freemen are so many of the Owners of these Thirty five Tenements as Live on and Occupy the same and the Reeve is Chosen out of these Owners and Occupiers, and Sworn into his Office at Lydford Court. The Reeve and Freeman Mark out by Meets and Bounds the Land intended to be inclosed and at the next Court at Lydford they all Appear there, and Swear that they have Markt out Eight Acres or thereabouts for the Claimant upon which the Steward delivers the Possession thereof to him by the Dilivery of a Mote of Straw and soon after a Deed is Made Out and Executed by the Steward, Reeve, Freemen, and Claimant, but what the Purport of the Deed is, I never could Learn. These Inclosures are called Newtakes.

Since the last Patent was Granted about Thirty of these Newtakes have been Claimed, the greatest part of which are already Inclosed, but instead of Eight Acres or thereabouts (and 'tis generally Allowed by all the Old People living in, or near, the Forest that no one ever pretended to have a Right to Inclose more than Eight Acres) the late Newtakes or Inclosures contain some of them near three Hundred Acres each, and not one of them Less than One Hundred Acres, by this means as People chuse rather to put their Cattle to Depasture in these Newtakes

than on the Forest at large where Accidents some times happen to the Cattle by Boggs &c^a: the Profits of the Forest are Reduced to a Mere Trifle. The Patent cost Mr: Heywood £ 500..0..0 and he pays an Yearly Rent of £ 31..15..11 and makes no more than £ 40..0..0 a Year of the Whole and the Farmer who Rents it now threatens to throw it up unless the Rent is abated.

You will be pleased to Observe that in the Patent the Rents of the Newtakes are said to amount to Fourteen Shillings and five pence only, but in the Year 1740 being the Year after the last Patent was granted these Rents amounted to Three Pounds nine Shillings and Eleven Pence, and have been Collected ever since, by which it appears that this Custom of Inclosing Newtakes has been always kept up, and the Rents for the Newtakes that have been Inclosed since the last Patent was Granted (Viz^t:) 1^s. Yearly for each have been regularly Collected by Mr. Heywood's Agents or Tenants.

2

N. B. Newtakes and the Rents payable out of them are expressly mentioned in the Lease.

As all the Issues and Profits of the Forest are granted by the Patent without any *Exception or Reference to any Law or Custom*, and as there is a Particular Covenant from the Lessees that they will preserve the Right of the Prince his Heirs, and Successors, against any Incroachment that shall, or may be made, on the Forest, Is not Mr: Heywood Intitled to all the Forest as it stood when his Patent was Granted.

The Custom of Inclosing Lands on alienation of the Freehold in the Forest or on the Death of each Freeholder, even when Confined and Stinted to Eight Acres is, as I conceive it, Void, because it is in its Progress Destructive of the Forest itself; but it is impossible to Maintain this Custom in the Unlimited Extent in which Freeholders of the Forest contend it should be taken, inasmuch as it is without due Consideration, highly unreasonable, and manifestly tending to the Disinherison of the Duke of Cornwall so on the Whole I think that the Inclosures Made since the Date of the Lease Stated in the Case cannot be Justified on any Principle of Law and that Mr: Heywood, if proper Measures are taken may enjoy the Issues and Profits of the Forest as fully and Amply as at the Commencement of his Lease.

Or if you are of Opinion that Mr: Heywood by the Patent is Obligated to Submit to these Newtakes or Inclosures cannot he recover so much of each Newtake as is Inclosed more than Eight

Acres, and would you advise Mr: Heywood to Proceed by way of Ejectment or how else.

I Observe that the Issues and Profits only of the Forest are Demised to Mr: Heywood. A Grant less Ample and Comprehensive than that of the Forest itself which would have conveyed to him all the Beasts of the Forest and a power of Inclosing any part of it. Therefore the proper Remedy is not by Ejectment, because the Soil Passes not by the Lease, but Mr: Heywood may Order some of the Cattle Agisted on the Forest, to be Driven into the largest of the late Inclosures, throwing down as much of them as shall be Necessary for that Purpose, and if the Cattle shall be Distrained Damage Faisant,¹⁰ they may be Replevied, which will be the most eligible Mode of bringing this Matter to a Fair Trial.

I HEATH

Plymouth August 16th. 1766

DOCUMENT VI

STATE OF DARTMORE
from 1733 till Granting the
Same to M^{rs}. Heywood in
1739. (Copy)

The Lease of the Profits of the Forrest of Dartmore Lydford Mills & the Profits of the 4 Stannary Courts of Cragford, Ashburton, Tavistock & Plimpton (Granted to Sir Nic^s. Slaning 25th. Jan^y. 27 Cha^s. 2^d. 1675) Expired about Lady Day 1733, from which time the same continued in Hand to Lady Day 1739 being 6 Years & during that time the Forest produced but little more than £ 40..0..0 a Year clear of Charges. Notwithstanding great Pains & Care was taken by Mr. Eliot (then Surveyor General & other Officers of the Dutchy of Cornwall) in finding out how the Profits of the Forest did Arise, & Employing proper Persons to Collect & receive the same.

The Profits of the Stannary Courts Yielded Nothing & Lydford Mills were totally decayed & long since fallen down.

¹⁰ Causing damage.

13 July 1739. A Lease of the Premises was Granted to Mrs. Mary Heywood & Abraham Elton Esq^r. for 99 Years of James Modyford Heywood Esq^r. & Mary Slaning Heywood & Lucy Heywood his Sisters or either of them should so long live.

| | | |
|---------|--|-------------|
| | Fine £ 450..0..0 Rents—For the Forrest . . . | £ 28..12..5 |
| 45:0:0 | For the Stannary } . . | 1..13..6 |
| 10 | Courts } . . | |
| | and for the Mills . . | 1..10..0 |
| 450:0:0 | | 31..15..11 |

The Lives (I am informed) are all in being.

DOCUMENT VII

REPORT OF W. MASTERMAN, WITH ACCOMPANYING SCHEDULE OF
GRANTS AND ASSIGNMENTS, INCLUDING THE CASE OF
LORD CARNAVON VS. ISRAEL IALABERT

Duchy of Lancaster

Forests.

(Copy.)

TO THE RIGHT HON^{ble}: HENRY SEYMOUR CONWAY, ONE OF HIS
MAJESTY'S PRINCIPAL SECRETARIES OF STATE.

In Obedience to the Commands of the Right Hon^{ble}: the Lord Strange, Chancellor of His Majesty's Dutchy & County of Lancaster, given to me in pursuance of your Letter to His Lordship of the 24th: day of October last, whereby His Lordship is desired to transmit to you an Account of such Grants of Lands, Offices, or Franchises in Enfield Chase & Epping Forest, respectively, as have been made by the Crown, & are now subsisting & inrolled in the Dutchy Court of Lancaster; I humbly certify, that it appears to me, that in or about the 46th: Year of the Reign of King Edward the 3^d: Humfrey de Bohun being seized in Fee of the Manor & Chase of Enfield in the County of Middlesex, died so seized on or about the 16th: of February in that Year, leaving two Daughters, Eleonora & Mary, his Coheiresses at Law; which said Mary intermarried with Henry of Bolinbroke, who afterwards became King of England by the Stile of Henry the 4th; & they had Issue a Son,

afterwards King Henry the 5th. In the 2^d: Year of whose Reign, Partition was made of the Estate of Humfrey de Bohun, between that King, in the Right of the said Mary, his Mother, & Anne Countess of Hereford, in Right of the said Eleonora her Mother. And the Manor & Chase of Enfield being Parcel of the Allotment made to the said King Henry the 5th, the same & all other the Inheritance of the said Humfrey de Bohun, which came to that King in the Right aforesaid, were by Act of Parliament passed in the same Year, annexed to the Duchy of Lancaster, & so the said Manor & Chase of Enfield became, & have been ever since accordingly held and enjoyed by the Kings & Queens of England, in Right of their said Duchy of Lancaster, & have been under the Controull, Survey, & Order of the Chancellor and Council of the said Duchy.

And I further hereby certify, that it also appears to me by a Survey taken in the Year 1686, in pursuance of a Commission for that Purpose issued under the Seal of the said Duchy, that the said Chase then contained 7600 Acres or thereabouts, & was wholly within the Parish of Enfield, & that the Tenants & Inhabitants of the Parishes of Enfield, Edmonton, South Mimms & Hadley (Places bordering upon the said Chase) claimed a Right of Common¹¹ upon the same, but which Claims seem to me to have been uniformly from time to time regulated by the Orders of the Chancellor & Council of the said Duchy.

And I do humbly certify, that it also appears to me by very ancient Papers remaining among the Records of the said Duchy, that for the better Management of the said Manor & Chase of Enfield, the Offices of Master of the Game, of the Deer, Master Forester, Ranger & Keeper of the said Chase, & the Offices of Bailiff & Woodward of the said Manor & Chase, & the Office of Steward of the said Manor have been from time to time vested by Letters Patent under the Seal of the said Duchy in Sundry Persons. And I find it hath been also usual under the Seal of the said Duchy to grant the Office Gamekeeper of the said Manor & Chase, & to give License to proper Persons, applying to hunt, shoot, & fish within the said Manor & Chase, under proper Restrictions.

And I also humbly certify, that the said Chase is divided into Three Walks or Divisions, called the South Bailey, East Bailey, & West Bailey Walks, & are immediately under the Care of a Keeper assigned to each Walk, & that there are within the said Chase three ancient Lodges, distinguished by the Names of the said several Walks within which they are situate, but altho' the original Intention of these Lodges was for

¹¹ For grazing purposes.

Habitations for such Persons as should ordinarily be employed as Keepers to have an Eye over & to kill the Deer & Game within their respective Walks upon the said Chase under Warrant for that Purpose, yet the said Lodges have in more modern times been so improved by new Buildings, Officès, & Ground & Inclosures from time to time laid to the same, as to have rendered them Places worthy the Attention of & to be chosen as Habitations of Persons of Fortune.

And I find, that a certain Park, called Theobald's Park, Parcel of the Lands held in Right of the Crown of England being contiguous to the said Chase, 526 Acres or thereabouts of the said Chase were converted for the Enlargement of the said Park And King William the 3^d. having by his Letters Patent under the Great Seal of England granted the said Theobald's Park unto William Earl of Portland in fee farm for ever, like Letters Patent under the Dutchy Seal were made by that King whereby he granted the said 526 Acres so added to the said Park to the said Earl and his Heirs in fee farm for ever under the annual rent of 6^s. 8^d. which reduced the said 7600 Acres mentioned in the said Survey to 7074 Acres or thereabouts.

And I find that the inclosed Lands contiguous to and held with the South Bailey Lodge contain 68 Acres or thereabouts; those contiguous to and occupied with the East Bailey Lodge 36 Acres or thereabouts; & those enjoyed with the West Bailey Lodge together with the Yards Gardens & Orchards 180 Acres or thereabouts besides sundry Incroachments made by divers. Persons upon the said Chase computed to contain in the whole about 50 Acres which added together make 334 Acres and the same being deducted from the Quantity of Land in the Chase at large and as it remained at the time of the Grant of the said 526 Acres parcel thereof to the Earl of Portland the whole Contents of the said Chase lying in Common &, at large will amount to 6740 Acres or thereabouts.

And I further humbly certify that the annual Fees due & payable out of the Revenues of the said Duchy in respect of the said several Offices are as follows

| | £ | s | d |
|--|----|----|-----|
| To the Ranger his Fee at 6 ^d ̄ ̄ Day ̄ ̄ Anñ . . . | 9 | 2 | .. |
| To him in lieu of fee Wood to be taken our of the s ^d Chase & allow'd by Decree of the Duchy Court dated 20 th Febry. 1740 ̄ ̄ Anñ | 60 | .. | .. |
| To the Keeper of the S ^o . Bailey Walk at 4 ^d a day ̄ ̄ Anñ | 6 | 1 | ..8 |

| | |
|---|-------------|
| To the Keeper of the East Bailey Walk at 4 ^d a day | |
| ⌘ Anñ | 6..1..8 |
| To the Keeper of the West Bailey Walk at 4 ^d a day | |
| ⌘ Anñ | 6..1..8 |
| To the Steward of the Manor & Chase of Enfield | |
| ⌘ Anñ | 5..==.= |
| To the Woodward of the said Manor and Chase at | |
| 4 ^d a day ⌘ Anñ | 6..1..8 |
| To the Bailiff of the said Manor and Chase ⌘ Anñ | 5..6..8 |
| To an Allowance for the Steward's Dinner upon | |
| holding the Courts for the said Manor & Chase | |
| annually | 5..7..= |
| | <hr/> |
| | £ 109..2..4 |

Besides these Salaries and Fees a further Allowance of £130 a Year was made in respect of each Walk for providing Hay for the better Sustentation of the Deer in the Winter Season; but it appearing that these Sums were taken & no provision whatsoever made for the Deer for which purpose only such Allowance was made, It was thought that this Misapplication and Abuse could not be otherwise corrected than by a Suspension of the Payment of these Sums which was accordingly done by Order of the then Chancellor of the Duchy about 12 Years ago.

And I also humbly certify that the Marquis of Carnarvan or those holding under him or under those whose Estates he has Claim to be entitled to the several Offices herein before enumerated and also to the several Lodges and Lands therewith respectivly occupied and to take and kill Deer without Limitation & also to the absolute property of the Game & Fish within the said Chase without Controul for the Residue of a Term of 56 Years which will determine at Lady day 1793 subject only to a Rent of £5 for part of the Lands adjoining to the West Bailey Lodge and the annual Sum of £20..3 s..4½ d for the Quit Rents of the Manor of Enfield which are yearly collected by the Bailiff of the said Manor. But for the further Illustration of the Rights and Titles of the several persons now claiming any Right or Interest in the said Manor Chase Lodges and Lands and how the same are derived I humbly beg leave to refer to the Schedule hereunto annexed containing a State of all such Grants Proceedings & Transactions as have fallen within my Observation and Knowledge and which may anyways be contributory to render the Satisfaction required.

And I humbly certify that Epping Forest mention'd in the said Letter is Parcel of the Inheritance of the Crown and held in that Right. I must therefore beg Leave to refer to the Information to be given by the proper Officers in that Department being wholly a Stranger to all the other Circumstances respecting the same. All which I humbly certify and submit.

W. MASTERMAN, Clerk of His
Majesty's Duchy and County Palatine
of Lancaster.

THE SCHEDULE MENTIONED IN AND REFERRED TO BY THE FORE-
GOING REPORT.

22^d May 27^o By Letters Patent under the Duchy Seal King Charles the Second
Chas^s 2^d 1675 did give and grant unto Henry Coventry, Esq^r.

Officiu deduct Ferar in the Chase of Enfield in the County of Middlesex parcel of the Duchy of Lancaster, and The Office of Master Forrester & Keeper of the said Chase & of the several Walks therein called the East Bailey Walk, the South Bailey Walk and the West Bailey Walk.

The Office of Ranger of the said Chase

The Keepership and Custody of all and singular the Houses Messuages and Lodges within the said Chase.

And the Office of Steward of the Manor of Enfield in the said County of Middlesex parcel of the said Duchy of Lancaster.

To have hold exercise & enjoy the said several Offices & Every of them unto the said Henry Coventry his Executors Administrators & Assigns by himself or themselves by his or their sufficient Deputy or Deputies from the Feast Day of the Annunciation of the Blessed Virgin Mary then last past for the Term of 31 Years. Without Account.

And His said Majesty King Charles the 2^d by the said Letters Patent did give & grant unto the said Henry Coventry his Executors Administrators & Assigns during the said Term of 31 Years for the Exercise and Occupation of the said Offices.

Such Wages and Salaries as had been usually received and enjoyed for the Exercise of the said Offices by the former Patentees thereof respectively to be paid by the Hands of the particular Receiver of the Revenues of the said Duchy in the County of Middlesex at Michaelmas and Lady day by equal Portions to-

gether with all other Emoluments and Profits appurtenant and belonging to the same Offices.

And His said Majesty

did thereby also grant unto the said Henry Coventry.

The several Offices of Bailiff of the said Manor of Enfield and Woodward or Keeper of the Woods of & within the said Manor & Chase.

To have hold exercise and enjoy the said Offices of Bailiff & Woodward unto the said Henry Coventry his Executors Administrators and Assigns by himself or themselves or by his or their Deputy or Deputies for whom he and they would be answerable from Lady day then last past for the Term of 31 Years.

And His said Majesty.

Did thereby give and grant unto the said Henry Coventry his Executors Administrators and Assigns for and during the said Term of 31 Years.

For the Exercise and Occupation of the said Office of Bailiff, The annual Wages or Fee of 5 Marks, And for the Exercise of the Office of Woodward.

The Wages or Fee of 4^d a Day.

The same to be received at the Hands of the particular Receiver of the Premises at Michaelmas and Lady day by equal Portions. By Letters Patent under the Duchy Seal,

3^d May 1680

Reciting the Letters Patent of 1675.

King Charles the 2^d.

Granted.

All the said Offices and Premises to the said Henry Coventry. To hold to the said Henry Coventry his Executors Admors and Assigns for the Term of 31 Years from the Determination of the said former Grant.

As to the SOUTH BAILEY LODGE

By Indenture of that Date Henry Coventry granted unto Joshua Galliard.

The Keepership and Custody of the South Bailey Lodge and of the Messuages Houses Gardens Lodges and Orchards belonging thereto and the several Inclosures Fields and Pastures lying to or usually enjoyed with the said Lodge, with

All Fees Allowances Emoluments and Appurtenances to the said Lodge belonging.

And did also appoint

The said Joshua Galliard

Keeper of the said South Bailey Walk of the said Chase. To hold to the said Joshua Galliard, his Executors Admōrs & Assigns from Lady Dāy then next coming for the Term of 27 Years.

3^d. June
1683

By Indenture of that Date the said Henry Coventry
Granted

The Custody & Keepership of the South Bailey Lodge and other the Premises comprized in the said Indenture of 1676, unto the said Joshua Galliard.

To hold to the said Joshua Galliard, his Executors Admōrs and Assigns for the Term of 6 Years, from the Expiration of the said Term of 27 Years.

9th. Jañry
1688.

By Indenture of that Date, the said Joshua Galliard
Assigned:

The said two several Indentures of 1676 & 1683 and the Office of Premises therein comprized unto Sir Henry Bellasyse Knt: To hold to him for the Residue of the said Term of 27 Years & for the said Term of 6 Years.

AS TO THE EAST BAILEY LODGE.

1st: Sept^r:
1682

By Indenture of that Date the said Henry Coventry
Did grant and assign unto Sir John Parsons.

The Custody and Keepership of the East Bailey Lodge and all Houses, Edifices, Orchards, Gardens, Inclosures, Fields & Lands, usually held with the said Lodge. And also the Office of Keeper of the East Bailey Walk, with all Fees, Emoluments, & Profits, to the said Lodge & Office of Keeper belonging.

To hold to the said Sir John Parsons, his Executors Admōrs & Assigns from the 24th: day of June then last [past] for the Term of 27 Years.

2^d: Sept^r:
1682.

By Indenture of that Date Sir John Parsons
Assigned

The said Lodge, Office, and Premises, unto James Whitchurch To hold to the said James Whitchurch, his Executors Admōrs and Assigns for the Residue of the said Term of 27 Years. Subject to Redemption on Payment of £1400, as therein mentioned.

11th: July
1685.

By Indenture Tripartite,

Reciting said last mentioned Indenture And taking Notice that said Sum of £1400 was not paid at the time stipulated.

The said Sir John Parsons & James Whitchurch

Assigned

The said Office & Premises unto Henry Cornewall & Samuel de Pas.

To hold to the said Henry Cornewall & Sam^l: De Pas their Executors, Admōrs & Assigns for the Residue of the said Term of 27 Years.

By Indenture of that Date the said Henry Cornewall & Samuel De Pas 29th: July 1695.

Assigned

The said Office & Premises unto Christopher Lister To hold to the said Christ^r: Lister, his Executors, Admōrs & Assigns for the Residue of the said Term of 27 Years.

As to the Offices & Lodges of the Chase.

By Letters Patent under the Duchy Seal

Reciting the said Letters Patent of 1675, & 1687 —

And taking Notice that the several Offices & Premises thereby granted upon the Death of the said Henry Coventry became vested by his last Will & Testament in Henry Savile Esq^r., who had surrendered the same into His Majesty's Hands.

21st June
1687
3^d: James
2^d

The said King James the 2^d:

Did grant

All and singular the Offices & Premises comprized in the said Letters Patent so surrendered unto Adam Loftus Lord Viscount Lisburne.

To hold to the said Lord Lisbourne, his Executors Admōrs and Assigns from Lady day then last past for the Term of 50 Years, sine Compotu.

By Letters Patent under the Duchy Seal —

Reciting the said Letters Patent of 1687 —

And taking Notice that the said Offices & Premises thereby granted were for the Remainder of the said Term of 50 Years become vested in Mathew Johnson & Edward Allen, In Trust for Sir Basil Firebrace, his Executors Admōrs & Assigns.

19th: April
1694

Their Majesties King William & Queen Mary

Did Confirm

The said recited Letters Patent of 1687 & the Offices & Premises thereby granted for the Residue of the Term of 50. Years unto the said Mathew Johnson & Edward Allen, their Executors Administrators & Assigns.

- 20th: April
1694 In Trust for the said Sir Basil Firebrace and his Assigns.
By Letters Patent under the Duchy Seal King William & Queen Mary. Granted
All the said Offices & Premises comprized in the said Letters Patents of 1687. unto Sir Robert Howard Knight.
To Hold to the said Sir Robert Howard his Executors, Administrators & Assigns from the Expiration or Determination of the said Grant to Lord Lisburne in 1687. for the Teerm of 56. Years.
Sine Computu
- 26th: Dec.
1694 By Indenture of that Date the said Sir Robert Howard —
Assigned
All the said Offices and Premises so granted to him unto Sir William Scawen.
To Hold to the said Sir William Scawen his Executors Admōrs: and Assigns during the said Term of 56. Years.
- 28th: April
1714 By Indenture of that Date the said Sir William Scawen
Assigned
The said Offices & Premises unto James Bridges of Cannons Esqr: (afterwards Duke of Chandos)
To Hold to the said James Bridges his Executors Administrators and Assigns for the said Term of 56. Years.
As to the Lands adjoining to the SOUTH LODGE —
- 8th. Dec^r.
1699 By Indenture under the Duchy Seal King William the 3^d. Demised to Sir Henry Bellasyse (in whom the Office of Keeper of the South Bailey Walk was then vested under the Grants of 1676 & 1683. from M^r. Coventry)
Certain Inclosures of Arable & Pasture Land adjoining or contiguous to the South Bailey Lodge containing together 65 Acres & an half & therein particularly described.
To Hold to the said Sir Henry Bellasyse, his Executors Admōrs. & Assigns from Michaelmas then last past for the Term of 31. Years.
At the Yearly Rent of £ 5 payable at Lady Day & Michaelmas by equal Portions.
By Indenture under the Duchy Seal.
- 14th: Dec^r.
1700. Reciting the several Letters Patent of 1675. 1680. 1687. 1694. & 1694. and
The said several Leases & Assignments of 1676. 1683. & 1696.
And taking Notice that the several Orchards, Gardens Inclosures Fields & Pastures lying to or late enjoyed with the South Bailey

Lodge (the Custody whereof was granted by the said Mr. Coventry to the said Joshua Galliard & was then vested in the said Sir Henry Bellasyse) were theretofore uninclosed & were part of the said Chace within the South Bailey Walk and of late inclosed from the same for the private Profit & Advantage of the Keepers of the said Walk & Lodge for the Time being and were by the Keepers of the said Walk & Lodge held and enjoyed in severally without any legal Right other than to the Custody thereof and without paying any Rent or Acknowledgment to the Crown for the same Also Reciting the said Lease for 31 Years of 8th: Decr. 1699. granted to Sir Henry Bellasyse.

And taking Notice that some Doubt had been conceived whether such Lease was good in Law

And stating that His Majesty was graciously pleased to grant the said Lands to the said Sir Henry Bellasyse for a longer Term at the Yearly Rent of £ 5. being much less than the real Annual Value thereof the said Sir Henry Bellasyse first surrend[e]ring such Right in the Premises as he might pretend to claim by the said Lease.

And that the said Sir Henry Bellasyse had accordingly by Deed dated the 15th: day of July then last past duly surrend[e]red the Premises into His Majesty's Hands.

His said Majesty King William the 3^d:

Did demise unto the said Sir Henry Bellasyse.

Divers Inclosures & Parcels of Land adjoining or contiguous to the said South Bailey Lodge containing 65 Acres & an half & particularly described by the said Indenture.

To Hold to the said Sir Henry Bellasyse his Executors Administrators and Assigns from Lady day then last [past] for the Term of 94 Years.

At the Yearly Rent of £ 5 payable at Michaelmas & Lady day by equal Portions.

By Deed Poll indorsed on the last mentioned Lease of S^r. Hen^y. Bellasyse

30th. May
1702.

Assigned

The Premises therein comprized to Cha^s. Firebrace Esq^r.

To Hold to the said Cha^s: Firebrace his Executors, Administr^{rs}. & Assigns for the Residue of the said Term of 94 Years.

Subject to the Rents and Covenants therein contained

By Indenture of that Date.

- 7th. Sept^r.
1716. Reciting the said Lease of 1700 & the Assignment thereof made to the said Charles Firebrace.
He the said Charles Firebrace
Did assign
The same & all the Premises so demised to the said Sir Henry Bellasyse unto Major General John Pepper.
To Hold to the said John Pepper his Executors Admōrs & Assigns for the Residue of the said Term of 94. Years.
Subject to the Rent & Covenants contained in the s^d. original Lease.
As to the Lands adjoining to the EAST BAILEY LODGE.
By Indenture under the Duchy Seal King William the 3^d.
Demised to Christopher Lister Esq^r. in whom the Office of Keeper of the East Bailey Walk was then vested under the Grant of 1682 from M^r. Coventry.
Certain Inclosures of Arable & Pasture Land adjoining to the East Bailey Lodge containing 35 Acres & therein particularly described.
To Hold to the said Christ^r: Lister his Executors Admōrs and Assigns from Michaelmas then last for 31 Years.
At the yearly Rent of £5. payable at Lady Day & Michaelmas by equal Portions.
By Indenture under the Duchy Seal.
- 8th. Dec^r.
1699. Reciting the several Letters Patent of 1675, 1687, 1694 & 1694 the said Lease & Assignments of 1682, 1682, 1685 and 1695.
That "the several Gardens, Orchards, Inclosures and Fields lying
"to or of late enjoyed with the said Lodge called East Bailey
"Lodge (the Custody whereof was granted with the said Lodge
"by the said M^r. Coventry to the said Sir John Parsons and then
"vested in the said Christopher Lister) were therefore uninclosed
"and were Parcel of the said Chase within the East Bailey Walk
"and of late inclosed from the same for the private Profit & Advant-
"vantage of the Keepers of the said Walk & Lodge and held &
"enjoyed in severally without any legal Right other than the
"Custody thereof & without paying any Rent or Acknowledge-
"ment to the Crown for the same."
Reciting also the said Lease of the 8th. of Dec^r. 1699. granted of the said Lands to the said Christopher Lister.
That some Doubt had been conceived whether the s^d. Lease was good in Law & that His Majesty was graciously pleased upon a
- 14th. Dec^r.
1700.

Surrender of the s^d. Lease to grant the same Premises unto the said Christopher Lister for a longer Term of Years at the yearly Rent of £5. being much less than the real annual Value thereof. And that the said Christ: Lister by Deed dated the 15th. Day of July then last past had accordingly surrendered the same into His Majesty's Hands.

His said Majesty King William the 3^d.

Did demise unto the said Christopher Lister —

Divers Inclosures of Land adjoining or contiguous to the said East Bailey Lodge containing 35. Acres which are particularly described by the said Indenture.

To Hold to the said Christ: Lister his Executors, Admōrs & Assigns from Lady Day then last past for the Term of 94 Years.

At and under the yearly Rent of £ 5. payable at Michaelmas & Lady day by equal Portions.

By Indenture of that Date.

8th. April
1718.

Reciting the said last mentioned Lease granted to Christ: Lister, And that the Premises therein comprized were then become vested in William Bellamy Esq^r. for the Remainder of the said Term.

The said William Bellamy

Did assign —

The same unto Major General John Pepper

To Hold to the said John Pepper his Executors Admōrs & Assigns for the Remainder of the said Term of 94. Years thereof granted to the said Christopher Lister —

Subject to the Rents & Covenants contained in the said Lease.

As to the Term of Fifty Years granted of the said Offices to Lord Lisburne by the Letters Patent of 1687. and confirmed to the Trustees of Sir Basil Firebrace in 1694.

By Indenture of that Date, the said Sir Basil Firebrace did assign 14. May
1702.

All and singular the Offices & Premises comprized in the said Letters Patent of 1687. and 1694. (and which had been assigned to Him by the said Johnson & Allen) unto William Lord Berkeley, Henry Temple and Francis Eyles

To Hold to them their Executors, Administrators and Assigns, for the Residue of the said Term of 50. Years.

By Indenture. Tripartite, the said Lord Berkeley Henry Temple, 30 Augst:
and Francis Eyles 1716.

Assigned

All the said Offices & Premises unto Major General John Pepper. To Hold to Him, his Executors, Administrators & Assigns, during the Residue of the said Term of 50. Years.

As to the new inclosed Lands adjoining to the West Bailey Lodge

22^d. Nov^r.
1716.

By Indenture under the Duchy Seal, His late Majesty King George the first

Did demise unto Major General John Pepper —

Ninety Eight Acres of Land adjoining to the West Bailey Lodge, & therein particularly described.

To Hold to the said John Pepper, his Executors, Administrators and Assigns, from Michaelmas then last Past for the Term of 31. Years.

At and under the Yearly Rent of £ 5. payable at Lady day & Michaelmas by equal Portions.

As to all the Offices and Lands before mentioned,

5th: Sept^r.
1727.

By Indenture Quinquartite of that date made between the Reverend Ossory Medicott, the only acting Executor of the last Will & Testament of Major General John Pepper deceased of the first Part. Robert Walter another Executor, named in the Will of the said John Pepper of the 2^d. Part, Johanna Pepper the Widow & Relict of the said John Pepper of the 3^d. Part, George Pepper Esq^r. of the 4th: Part, and the Most Noble James Duke of Chandos of the 5th: Part.

After reciting several of the Grants and Assignments before mentioned, deducing the Title as well of the said Offices & Premises comprized in the Letters Patent of the 21st: of June 1687., and the 19th: of April 1694., as of the Lands demised to the said Sir Henry Bellasyse and Christopher Lister, by the said Two several Leases bearing Date respectively the 14th: of December 1700., and also reciting the said Lease of the 22^d. Day of Nov^r. 1716.

And stating several Causes & Decrees affecting the Premises, which had been had & pronounced in the Court of Chancery.

They the said Ossory Medicott, Robert Walter, George Pepper and Johanna Pepper

did grant, bargain, sell, assign & set over, unto the said James Duke of Chandos

All & every the said Offices & Premises so granted to the said Lord Lisburne.

And also all & singular the said Lands & Tenements so demised to the said Sir Henry Bellasyse, Christopher Lister & John Pepper, with all & singular their respective Appurtenances.

To Hold the said Offices, Lands & Premises to the said James Duke of Chandos, his Executors, Administrators & Assigns for all the Rest & Residue of the said Terms of 50. Years. 94. Years, 94. Years and 31. Years thereof respectively granted as aforesaid & then to come therein.

And the said Duke did thereby covenant for Himself and His Heirs that He would well & truly pay and keep all and singular the Rents, Covenants and Conditions in and by the said several recited Letters Patent and Indentures of Lease during the Residue and Remainder of the said several Terms of 50. Years, 94. Years, 94. Years, and 31. Years thereof respectively granted and assigned as aforesaid.

By Indenture under the Duchy Seal in Consideration of a Surrender then made of the said Indenture of the 22^d. Nov^r. 1716.

23^d. Nov^r.
1728.

His late Majesty King George the 2^d.

Demised unto the said James Duke of Chandos.

The said 98 Acres of Land adjoining to the said West Bailey Lodge.

To Hold to the said Duke his Executors Administrators and Assigns from Michaelmas then last for the Term of 31 Years.

At the Rent of £ 5.

As to the West Bailey Lodge and Lands thereto belonging, and the Office of Keeper of the West Bailey Walk.

By Indenture made between the said James Duke of Chandos of the one part, & the Hon^{ble}: Robert Moore Esq^r: of the other Part.

13th. Sept^r:
1738

The said Duke of Chandos

Did demise unto the said Robert Moore

All that Messuage & Lodge within the said Chase of Enfield called the West Bailey Lodge with divers Parcels of inclosed Lands adjoining or contiguous thereto containing in the whole 178. Acres of Land or thereabouts. Together with all & singular the Fisheries Ponds & Waters within & upon the said West Bailey Walk of the said Chase & all Emoluments whatsoever appurtenant to the said Lodge & Walk.

To Hold the same unto the said Robert Moore his Executors Administrators & Assigns from Michaelmas then next coming for the Term of 53. Years.

N.B. The 98 Acres of Land comprized in the Lease of 1728 are Part of the 178. Acres, & tho' The Duke had only a Term of 21. Years to come in the 98. Acres, yet he demised the whole to M^r: Moore for 53 years

At and under the Yearly Rent of £ 173.

And also paying upon the Day of Marriage of the Eldest Son or Heir Male of the said Duke or such other Person as should be intitled to inherit the Honour of Peerage then vested in him the further Sum of £10.10. & so toties quoties such Marriage should happen in the said Duke's Family within the said Term of 53. Years.

13th Sept^r:
1738.

By Deed Poll

Taking Notice that the said Robert Moore stood possessed of the said West Bailey Lodge & other the Premises comprized in the said last recited Indenture by Virtue thereof for the said Term of 53. Years the said Duke granted unto the said Robert Moore.

The Office of Keeper of the West Bailey Walk of the said Chase Together with all Fees Perquisites and Emoluments to the same appertaining.

To Hold to the said Robert Moore his Executors Administrators and Assigns furing the Continuance of the said Term of 53. Years so granted to him of the said West Bailey Lodge.

8th. Aug^t.
1751.

By Indenture made between the said Robert Moore of the one Part & Israel Ialabert Esq^r: of the other Part the said Robert Moore in Consideration of £ 400. paid by the said Israel Ialabert Did demise to him

All & singular the said West Bailey Lodge Lands Fisheries & other the Premises comprized in the said Indenture of the 13th. Day of Sept^r. 1738.

To hold the same unto the said Israel Ialabert his Executors Administrators & Assigns from thenceforth for the Term of 40 Years and 45. Days.

At the Yearly Rent to be paid to the said Robert Moore of £ 173. for the said 40 Years & of 20^s. 3^d Day for the said 45. Days.

8th. Aug^t.
1751

By Indenture made between the said Robert Moore of the one Part & the said Israel Ialabert of the other Part.

Reciting the said Deed Poll of the 13th. Day of Sept^r. 1738. And that the said Israel Ialabert had contracted with the said Robert Moore for a Lease of the West Bailey Lodge Lands, Fisheries & other the Premises comprized in the said Indenture of the 13th. Day of Sept^r. 1738.

The said Robert Moore

Did assign & transfer unto the said Israel Ialabert.

The Office of Keeper of the West Bailey Walk of the said Chase Together with all Fees Perquisites Profits & Emoluments to the said Office belonging & appertaining.

To hold the same unto the said Israel Ialabert his Executors Administrators & Assigns for and during all the Residue & Remainder of the said Term of 53. Years.

The Marquiss of Carnarvan preferred his Memorial to the Chancellor of the Duchy stating the Lease of 1742. granted to James Duke of Chandos of the 98 Acres of Land adjoining to the said West Bailey Lodge, & praying that inasmuch as the said Lease would determine on the 10th. Day of October 1773. his Lordship would grant him a new Lease thereof for such further Term of Years as with the subsisting Term would make up 31 Years.

20th. Oct^r.
1766.

Upon Consideration of which Memorial, and it having been represented that there were contiguous to the said West Bailey Lodge adjoining to the said 98 Acres of Land upwards of 80 other Acres which were held therewith without any Lease thereof.

His Lordship did order that it should be referred unto His Majesty's Auditor for the South Parts of the said Duchy to examine into & consider of the Allegations contained in the said Memorial, & that the said Auditor should report to his Lordship what Fine ought to be paid, & what Rent should be reserved upon a new Lease to be granted of the said 98 Acres of Land for a Term of Years to be concurrent with the Residue of the Term of 56 Years then subsisting of the said Offices under the Grant thereof to Sir Robert Howard & also what Covenants & Restrictions should be contained therein And the said Auditor should also examine into the Matter respecting the said other Lands lying contiguous to the said West Bailey Lodge & inquire & certify at what Time & under Authority the same were inclosed from the said Chase & under what Title the same were held by the Memorialist and to the End the said Auditor might form a right Judgment of the Matters so referred to him his Lordship did further order that His Majesty's Clerk of the Council should prepare a Commission to pass the Seal of the said Duchy directed unto the Surveyor for the South Parts to take a View & Survey of the said Lodge & of all the Lands held therewith & to make a just Admeasurement thereof, & to describe & lay down the same

upon Parchment whereon was to be expressed by Colours or other plain Distinctions the Messuages & Buildings standing on or belonging to the Premises together with the Bounds Extent Quantity Kind & Number of Acres & the improved annual Values thereof & also to distinguish upon such Map such of the Lands as were demised to the said Duke of Chandos from the said other inclosed Lands lying contiguous to the said Lodge & to certify the same unto the Chancellor & Council of the said Duchy in the Duchy Chamber at Westminster with all convenient Speed.

A Commission of Survey hath been issued in obedience to this Order but the same is not yet returned.

As to the SOUTH BAILEY LODGE and LANDS thereto belonging.

3^d. May
1744.

By Indenture made between James Duke of Chandos of the one Part & Charles Edwin Esq^r. of the other Part the said Duke

Did Demise unto the said Charles Edwin

All that Messuage or Tenement called the South Bailey Lodge upon the said Chase with all the inclosed Lands lying contiguous & adjoining to the s^d. Lodge, containing 66 Acres or thereabouts.

To Hold the same unto the said Charles Edwin his Executors Administrators & Assigns from the 25th. day of March then last past for the Term of 48 Years.

At & under the Rent of £ 120. a Year payable at Michaelmas & Lady Day equal Portions And also paying upon the Day of Marriage of the Eldest Son or Heir apparent of the said Duke or of such other Person who in Course of Descent should be intitled to inherit the honor of the Peerage then vested in him the further Sum of £ 10.10. and so toties quoties such Marriage should happen in the Family of the said Duke within the Term thereby demised.

And also rendring unto the said Duke his Executors Administrators and Assigns upon the First Day of January Yearly Two fat Capons.

18th. Febr'y.
1747.

By Indenture between the said Charles Edwin Esq^r. of the one Part & The Right Hon^{ble}. William Pitt Esq^r. of the other Part.

The said Charles Edwin

Did demise unto the said William Pitt

All and singular the said South Bailey Lodge Lands and Premises comprized in the said recited Indenture of the 3^d. of May 1744.

To hold the same unto the said William Pitt, his Executors, Administrators and Assigns from the 25th. Day of March then next ensuing for the Term of 43. Years and three Quarters.

At and under the Yearly Rent (Except for the last Quarter) of £ 120. payable half Yearly. and paying for the last Quarter the Rent of £ 30. And at and under such other Rents and Payments as were reserved by the said Indenture of the 3^d. Day of May 1744.

By Indenture made between the said William Pitt of the one 31st: March
Part, and Fane Sharp Esq^r. of the other Part, The said William 1753.
Pitt, in Consideration of the Sum of £ 1500. to Him paid by the said Fane Sharpe.

Did assign and set over to Him

All and singular the said South Bailey Lodge, Lands and Premises with their Appurtenances.

To Hold the same unto the said Fane Sharpe his Executors Administrators and Assigns, from thenceforth for and during all the Residue and Remainder of the said Term of 43. Years and Three Quarters.

Subject to the Rents and Covenants in and by the said Indenture of the 3^d. of May 1744. reserved and contained.

AS TO THE EAST BAILEY LODGE and LANDS thereunto adjoining. The inclosed Lands adjoining to this Lodge contain in the whole 36. Acres upon Part of which Lands a new House hath been built since the Lease thereof made in the Year 1700. to Christopher Lister, together with convenient Outhouses.

The old Lodge with about 9 Acres of the inclosed Lands are now occupied by Daniel Goatley, and the New House, with the rest of the Lands, are held by Barlow Trecothick Esq^r., But it does not appear by any of the Records of the Duchy whether They hold as Tenants at Will or by Lease.

As to the Offices, Lodges, and Lands before mentioned subject to the several under Leases thereof subsisting and herein before stated.

By Act of Parliament passed in the Year 1745.

1745.

Reciting amongst other Things, That by Indentures of Lease and Release of the 30th: and 31st. May 1734. by which Release after reciting (in't. al:) That James Duke of Chandos a Party thereto "was possessed of the Lands and Hereditaments at or "near Enfield Chase, mentioned in the 2^d. Part of the Schedule

"annexed to the said Release for several Terms thereof granted
 "by the Crown under the Seal of the Duchy of Lancaster"
 The said James Duke of Chandos did assign the said several
 Leasehold Premises unto Joseph Taylor and John Howell. To
 Hold to Them for the Residue of the said Terms. In Trust for
 the said James Duke of Chandos for his Life, and after his
 Decease In Trust for his first Son until He should come of Age,
 & after he should come of Age. In Trust for His^{his} Executors
 Administrators and Assigns during the Residue of the said Terms,
 with other Remainders over.

This Article is
 erroneous The
 Lands being
 held by the
 former Lease
 of 1728. for
 31. Years
 only.

And also reciting "That a new Lease from His Majesty under
 "the Seal of the Duchy of Lancaster of the said Lands and
 "Hereditaments at Enfield Chase held as aforesaid by a former
 "Lease for 98 Years had been since granted for the said James
 "Duke of Chandos from Michaelmas 1742. for 31. Years which
 "New Lease had not been assigned to the said Taylor & Howell
 "upon the said Trusts, as ought to have been done."

And that the said James Duke of Chandos died in the Year
 1744. leaving Henry Duke of Chandos his only Son who was then
 of Age.

It is enacted that the said new Lease under the Seal of the
 Duchy of Lancaster & the Lands and Hereditaments therein
 comprized should be & the same were thereby vested in the said
 Taylor and Howell their Executors, Admōrs and Assigns for the
 Residue of the said Term of 31 Years and that said Taylor and
 Howell should remain and be possessed of all & every the said
 Leasehold Premises by the said recited Indenture of 1734 to them
 assigned & by the said Act in them vested as aforesaid.

Upon Trust by & out of the Rents & Profits thereof to pay
 the Charges & Expenses of the Trust and the Fines and Charges
 attending Renewals of the Leases & the Rents thereby reserved.

And then to permit and suffer said Duke to receive the Surplus
 of such Rents and Profits until his Son James Marquiss of Car-
 narvan should attain 19 Years of Age and from his attaining that
 Age.

Upon Trust in Case the Duke & Marquiss should jointly so long
 live to pay over the Surplus Rents & Profits of all and singular
 the Messuages, Farms, Lands & Hereditaments part of the
 Premises held by Grants under the Duchy Seal as aforesaid that
 is to say

The Lands contiguous to the Great Lodge held by Robert Moore at £ 173 yearly Rent.

The West Lodge.

The Messuage and Lands belonging to the South Lodge lately held by the Earl of Huntingdon and then by Charles Edwin.

The South Lodge

And all that Farm or Tenements held by Sir Henry Carker with their respective Appurtenances or to permit the same to be received by the Earl of Aylesbury his Executors or Administrators until the said Marquiss should attain the Age of 21 Years to be applied by the said Earl for the Education and Maintenance of said Marquiss as he should think fit.

The new House adjoining the East Lodge.

And in Case the said Marquiss should attain the Age of 21 Years in the Duke's Life time —

Upon Trust to permit the said Marquiss to receive and take the surplus Rents and Profits of the said Leasehold Premises last before particularly mentioned during the joint Lives of himself and the said Duke to & for his own Use.

And as to the Residue of the said Leasehold Premises (other than those so declared to be In Trust for the said Marquiss from his Age of 19 Years) during the joint Lives of the s^d. Duke & Marquiss.

Upon Trust to permit the surplus Rents & Profits thereof (after Payment of the said reserved Rents, Fines and Charges) to be received & taken by the said Duke for so many Years as He should live.

And as to all and singular the said Leasehold premises after the said Duke's Decease.

Upon Trust to permit the same & the Rents and Profits thereof to be had and enjoyed by such Person & Persons & for such Estates, Trusts and Interests as are declared by the said Indenture of Release of the 31st. Day of May 1734.

The Duke and Marquiss are both living & the Marquiss attained his Age of 21 Years in November 1752.

By Indorsement on the Back of the Indenture of Assignment of 1714. Henry Duke of Chandos the Executor of James Duke of Chandos (and in the said Indenture of 1714, called James Bridges Esq^r.)

21st. March 1753.

Assigned

All and singular the said Offices with their Appurtenances unto his Son James Marquiss of Carnarvan.

To Hold to the said Marquiss his Executors, Administrators and

Assigns for the Residue of the said Term of 56 Years then to come therein.

As to the Suit depending in the Court of Duchy Chamber between his Majesty's Attorney General of the Duchy on the Behalf of his Majesty against the Marquiss of Carnarvan & Israel Ialabert the Keeper of the West Bailey Walk. —

Information Sets Forth Lord Carnarvan's Title to the several Offices and
filed 2^d. Nov^r. Lodges upon the Chase.

1764.

As also the Title of the Defendant Ialabert to the West Bailey Lodge & the Keepership of the West Bailey Walk.

THAT all the Fisheries & Ponds, and all the Timber Wood Covert Fern & Furze and all the Deer and other Game upon the Chase and the Soil thereof are the absolute Property of His Majesty and that no Person can or lawfully may take any Fish or cut any Timber Wood Covert Fern or Furze or kill any Game, or dig any Turf Mould or Gravel upon the Chase without a License from His Majesty or by the Leave of the Chancellor of the Duchy.

That by the Customs of the Chase and the Decrees and Orders of the Duchy Court no Person intituled to Commonage upon the Chase may lawfully turn any uncommonable Cattle thereon nor any commonable Cattle without having them branded by the Bailiff of the Manor with the Chase Brand.

That no Person can by the Rules of the said Chase exercise the Office of Keeper or Deputy Keeper of any the Walks thereof without being duly sworn in the Duchy Court or at the Court Leet of the Manor of Enfield for the due Execution of such Office.

That there are a great Number of Quit Rents in the Collection of the Bailiff which are to be answered to His Majesty.

And that by the Covenants of the Grant to Sir Robert Howard of that Office under which the Marquiss claims & derives his Title the Grantee is to renew & deliver to His Majesty's Auditor in every third Year a true Rental of the said Quit Rents & duly answer the same to His Majesty.

And the Information charges that the said Israel Ialabert after repeated Notices given him by the proper Officers, to the contrary had ever since he became possessed of the said West Bailey Lodge without any Licence or Authority fished all the Waters in the West Bailey Walk, & sold the Fish found therein, and suffered the Ponds to lay dry to the great Prejudice of the Deer.

That he had topped great Quantities of young Spires & Saplings & other Trees and had cut down & sold great Quantities of Wood Bushes Covert & Fern whereby the Timber Wood & Covert upon the Chase had been destroyed and the Deer had been deprived of the Shelter, & particularly that by his cutting down the Fern upon the dry Hills, where the Does drop their Fawns, such Fawns had been left without Shelter, & had frequently for want thereof been killed by Dogs & hard Weather by means whereof the Stock of Deer upon the Chase had been greatly diminished.

That he had also dug great Quantities of Gravel & cut up great Quantities of Turf & Mould upon the open Parts of the Chase.

And had turned out uncommonable Cattle after the Bailiff had refused to brand the same as such & had turned out other Cattle without being presented to be branded & discharged the Chase.

And that neither he nor his Assistant or Deputy had ever been sworn duly to execute their Office.

That the said Marquiss as Ranger of the said Chase had given Countenance to the said Israel Ialabert in his said Practices.

That the said Marquiss had also fished divers Ponds upon the Chase without any License so to do.

Had granted Cards or Licenses to divers People to hunt & kill His Majesty's Game thereon without any Right.

That since the Grant to Sir Robert Howard of the said Office of Bailiff the Quit Rents had been greatly increased by means of divers new Copies of Court Roll granted of different Tenements whereon Quit Rents were reserved, notwithstanding which the said Marquiss had accounted only for the Quit Rents payable at that Time & had never since his Title accrued delivered in any Rental thereof to the Auditor.

And therefore it was by the said Information Prayed

That the Defendant Ialabert might account for the Value of the Fish by him taken out of His Majesty's Ponds.

For the Timber Trees & other Wood, Covert Fern, and Turf by him cut & taken upon the Chase.

For the Gravel & Mould dug thereon.

That he might be restrained from emptying or fishing any of the said Ponds & from cutting any more Timber, Wood Bushes, Covert Fern, or Turf, & from digging Gravel or

Mould upon the Chase, and from turning out any Cattle without presenting them to be branded, & from turning out more in Number than he is intitled to turn out, or any uncommonable Cattle.

And that he might be restrained from exercising the Office of Keeper or Deputy Keeper of the West Bailey Walk until he should be duly sworn.

That the said Marquiss might be restrained from granting Licences to any Persons to hunt or kill Game upon the said Chase.

That he might account for the Quit Rents received by him since his Title accrued.

And that he might deliver in a Rental thereof to the Auditor.

The several Defendants have put in their Answers to this Information.

And the Marquiss by his Answer insists that the Office granted by the Words *Officiu Magistr: deduct Ferrar:* is the Office of Master of the Game of all kinds, and that the Care of all the Game & the Right of fishing all the Waters upon the Chase passed by the Grant unto Sir Robert Howard, & that no Person whatever hath any Right to take or kill any Game or Fish within the said Chase by virtue of any special License from His Majesty, or from the Chancellor of the Duchy under the Duchy Seal. And that neither His Majesty nor the Chancellor can by Law, by any Grant or License authorize any Person to kill any Game or Fish upon the said Chase, without the License of the said Marquis, & that he can lawfully depute and grant Licenses to whomsoever he pleases to kill Game & Fish upon the Chase, and insists on a Right to dispose of all the Game & Fish therein without Account. That the Keepers & Inhabitants of all the Lodges have, beyond the Memory of Man, claimed & exercised a Right of taking such Turf, Furze, Heath, Fern, Ballast, Gravel, Earth, Soil, or Stones upon the said Chase, as were necessary to be used at their respective Lodges; & also such Bushes, for Repairs of their Hedges, as they have thought fit., — That any Person properly appointed a Keeper or Deputy Keeper of the said Chase by the Marquiss, may legally & properly execute such Office without being sworn for the due Execution thereof; That the Tenants & Inhabitants of the several Parishes of Enfield, Edmonton, Hadley, & South Mimms, have a Right of Common upon the Chase for all Com-

monable Cattle (except Goats) throughout the Year, without Stint, & without having their Cattle marked with the Chase Brand, excepting only at the times when the Chase is driven, at which times they procure their Cattle to be marked by the Bailiff, and that the Keepers & Inhabitants of the said Lodges being within the Parish of Enfield have always claimed & exercised that Right; and the said Defendant annexed to his "Answer," & to which he refers several Schedules containing an Account of the Quit rents now payable within the said Manor.

The Defendant Ialabert by his Answer insists on the same Rights within the West Bailey Walk as are insisted on by Lord Carnarvon's Answer in the Chase at large; And his Answer as to the Charges made against him by the Information is much to the same Purport as That of His Lordship's.

Lord Carnarvon's Answer being insufficient, Exceptions have been taken thereto; And the Defendant Ialabert is restrained by the Court by Injunction from fishing any Waters or cutting any Wood upon the Chase untill farther Order.

As to the Encroachments made upon the Chase without License from the Crown. —

Great Numbers of Persons living or having Estates bordering upon the said Chase, & having inclosed divers Parcels of Land upon the Chase without any Licence so to do; & there having been also several Cottages & Houses built and encroached thereon, & many of such Cottages being inhabited by idle Persons who lived chiefly by plundering the Chase.

An Information of Intrusion was exhibited against many of the pretended Owners of such Cottages and Incroachments.

In April
1764.

Praying that the Possession thereof might be delivered up for His Majesty's Use.

To which Information many of the Defendants put in their Answers, & afterwards preferred a joint Petition to the Chancellor of the Duchy, submitting to the Right of the Crown, and praying that they might have a Lease of their Incroachments granted to them for a Term of 31 Years paying a Rent for the same.

It appearing that many of the Defendants had ignorantly purchased their Incroachments for valuable Considerations & that some other of the Defendants were Objects deserving Compassion.

His Lordship was pleased to refer the Matter of the said Petition unto the Surveyor who was directed to inquire into the differ-

ent Cases of the Defendants in respect to their said Ineroachments and to certify the same to the Chancellor together with the Situation and Values of each Ineroachment the Time when made and under what Title then held by the respective Owners To the End His Lordship might be fully enabled to judge what would be just and proper to be done in the Premises for His Majesty's Service.

In Febyry
1765

The Surveyor made his Report to the Chancellor.

Whereupon His Lordship directed that a Lease should be granted of some part of the Ineroachments as recommended by the said Report But that the Suit depending should be prosecuted against such of the Defendants as stood out in order to obtain the Possession of the Ineroachments by them held for His Majesty's Use.

A Draught of the intended Lease hath been prepared accordingly and waits the Chancellor's Approbation in order to its being put under the Duchy Seal and compleated, and the Cause against the other Defendants who are obstinate is at Issue and will be brought to a speedy Determination.

As to the Office of Gamekeeper of the Manor and Chase of Enfield.

By Letters Patent under the Duchy Seal His late Majesty King George the Second.

Granted

The Office of Gamekeeper of the Manor and Chase of Enfield unto the Most Noble Henry Duke of Chandos (who was then Ranger of the said Chase.)

21st. Decr.
1763

To hold to him during His said Late Majesty's Pleasure.

By Letters, Patent under the Duchy Seal

Reciting the said Letters Patent of 1747.

And taking Notice that the same were become determined by the Death of his said late Majesty.

His present Most Excellent Majesty
Did Grant

The said Office of Gamekeeper unto Tho^s. Nuthall, Esq^r.

To hold the same to him during His Majesty's Pleasure.

It is observable that the Soil of the Chase being particularly suited to the Growth of Timber, some years ago a Scheme was formed for the taking and inclosing at certain Periods particular Quantities of the said Chase not only with a View the better to

preserve the Growth of the Young Trees and Saplings growing spontaneously upon the said Chase but to plant such Inclosures as Occasion might be and when the Wood should arrive at a proper Growth and be no longer liable to the Damage and Spoil of Cattle such Inclosures to be laid open again, and this Matter was so far entertain'd and approv'd that a Bill for Parliament was prepared by the Directions of the then Chancellor of the Duchy for the effecting of that Design. But the same still remains to be carried into Execution though it has been thought that a Plan of this Sort would tend to very useful Improvements and be least liable to Objections from the Persons who claim a Right of Common upon the said Chase & who it is conceived would be found extreamly clamorous upon any Rights they may claim being affected without a more than adequate Recompence and Satisfaction being made to them.

W. MASTERMAN.

DOCUMENT VIII

Memoranda:
Heads for Framing a Bill
relat: to the Forests.

In the Bill Recite inter alia

That great waste & spoil have of late years been committed within the bounds & limits of the Forests, and other damages done therein to the great prejudice of the several Parishes, Villages, Hamlets, and private persons, having Right of Common & other privileges, liberties & claims within the same, as also the Publick in general, by hurting & destroying the Timber Trees, Woods & Coppices growing within the said Forests, for remedy &c.^a

Wherefore Commissioners appointed by the Act shall take a Survey of the Forest A. according to the bounds & meets established in and by ancient perambulation thereof.

Shall inquire what Towns, Villages or Hamlets are in whole or in part within the Forest.

Shall without prejudice to the Estates or Possessions now enjoyed within the same Forest, by any person whatsoever or to any Right of Common of Pasture, Estovers &c^a. or any other Franchise or privilege now enjoyed within the same by any such person, inquire what Rights & Privileges are now exercised or claimed within the Forest, and by

what Town, Village, Hamlet or Person the same are exercis'd or claim'd, and how far & in what instances such Rights & claims have been invaded or infringed.

Shall also inquire what Cottages are within the Forest & what claims are made by the Cottagers.

Whether any & what Fees have been taken or demanded by the Officers of the Forest, contrary to Law & ancient Custom.

What neglects have been had in repairing Bridges, Highways &c^a. and what other nuisances (*sic*) committed.

The number & Species of Cattle Yearly commoned within the Forest.

What new roads, Highways, Bridges, Drains &c^a. are necessary to be made for the advantage of the Forest.

The number of Acres of Wast & open Land, and the quality thereof, specifying in what part or parts of the Forest the same are, the quantity of Land cover'd or planted with Timber Trees, Woods, Under-woods, Coppices & Coverts, distinguishing each.

The quantity, quality and value of the Timber Trees growing within the Forest.

The like of the Wood Lands Coppices and other Coverts.

The number & value of the Deer within the Forest, &c^a. &c^a. &c^a.

The Inquisition under the hands & Seals of the Comm^{rs}. to be returned into the Chancery, on or before the day of.

DOCUMENT IX

TIMBER OAK

representing the Scarcity of that Commodity in this Kingdom & the means that have occurred to prevent in some measure the further progress of this Evil by timely Cultivation & preserving & improving the Growth thereof &c^a.

9th. August 1768.

Sir,

It is with concern We find Ourselves obliged to acquaint the R^t. Hon^{ble}. the Lords Commissioners of the Admiralty of the difficulty We have lately experienced in supplying His Majesty's Yards with Oak Timber, and that the quantity We have been able to procure for these

two or three last years has fallen short of Our Expende and reduced the stock necessary to be kept in store, below what is required to carry on the public Service with Advantage.

We have had frequent discourse with our Purveyors and the principal Timber Merchants upon this subject, who in general declare they find so great a decrease in the Growth, that the Counties which used to afford the largest Supplies are so far exhausted, it is with difficulty they can procure One Thousand Loads fit for Naval purposes in a Circuit of many Miles, which obliges them to collect the greatest part of what they now purchase, at such distances from His Majesty's Yards that the long carriage by Land and Water, not only increases the Expende of delivery, but from frequent delays and disappointments, renders it very precarious and uncertain, insomuch that no dependence can be had upon a sufficient supply to carry on the public Works.

The approach of this scarcity has for sometime been taken notice of, and as the Growth of this necessary Article within Ourselves, especially as it exceeds all other in quality, is a Matter of the greatest Importance, We have been extremely solicitous to obtain a knowledge in some degree of the state of it through the whole Kingdom, to be satisfied whether it would afford a sufficient supply for the Uses of His Maj^{ty's} Navy, We therefore at the beginning of the late War, foreseeing what large quantities would be immediately wanted, attempted in as private a manner as possible to gain this information; But the persons We employed for this purpose had scarcely gone half through the two first Counties in which they were to begin their Enquiry, before they were interrupted by the Proprietors of Estates possessed of Timber, and We were obliged to drop Our Intention of proceeding further.

About this time some very large Falls were made on Estates where the Growth had been long nursed and preserved, and the expectation of a better price in War engaged many Persons to Cut down their Timber and supply the great demands We had occasion for, but the very large Consumption in these Twelve last years, which has far exceeded any other, it is natural to suppose has contributed in a great measure to the present scarcity; To what degree however it may extend We are at a loss to determine, but from every appearance, and the declarations of the Persons most conversant in the Timber Trade, We cannot doubt of it being great.

We therefore can no longer defer laying this matter before their Lordships, for though We cannot judge whether the Evil may be so near as Our Apprehensions lead Us to imagine, We are certain that it is highly

necessary to take every possible means to prevent its further Progress, by endeavoring to cultivate, preserve and Improve the growth of this important Commodity, more especially as the consumption, from the great increase of the Navy and extention of Our Trade exceeds what-ever was formerly known, and lest We should find ourselves in want, when it is too late to apply a Remedy.

It may be very proper on this occasion to mention to their Lordships that the Supplies We used to receive for the River Yards, have of late years been much diverted by the number and size of Ships built for the Service of the East India Company, which We are informed are now increased to Eighty Sail, and several of those that have lately been launched and are now Building, are of such large Burthen and Scantlings, that the Assortments of Timber for for the Navy is thereby greatly broke in upon. Their Lordships will best judge how far it might be an object of their Attention to endeavor to limit the size of these Ships, but We think it Our duty to acquaint them, it greatly adds to the Consumption and lessens the supplies of Timber for the Navy.

At the same time We lay these difficulties before their Lordships, We wish we could point out the means that would best obviate them. An Encouragement to Private Persons to fence in Tracts of Land for the Cultivation of Oak under proper Restrictions for preservation appears to Us the most probable, and from every Information, the Royal Forests might be further Improved so as to afford much larger Quantities than can now be drawn from them. The Forest of Dean and New Forest still contain much usefull Timber in Maturity, and numbers of Trees in progressive States of growth, but We are sorry to find, that there are Wastes of vast Extent within them, uninclosed, which produce no Trees, though the Soil is of a nature very fit for their Cultivation.

We therefore hope their Lordships will use their Influence with the R^t. Honble the Lords Commissioners of the Treasury that every means may be taken for preserving the Oak that may be now standing in His Majesty's several Forests, and raising a succession, for should the scarcity in the hands of private Property be what we have so much reason to apprehend, it will every year increase, and there will be no resource to supply the wants of the Navy, but the Forest Timber, which if from Necessity We should We [=be] forced to break in upon, to too great an Extent, it cannot fail of producing the most Melancholy consequences.

As the procuring a sufficient supply for replenishing His Majesty's Magazines is at present attended with great difficulty, We must also desire their Lordships would be pleased to apply to the Lords of the

Treasury for directions being given to their Officers, that no Oak Trees may be felled in the Forests and sold for private Use. But that this Board may in the future be allowed the Pre-Emption of whatever quantity can be afforded from thence, without hurt or detriment to the growth. We are &c^a.

GC. FS. IW. EM. FB. RO. RT

PHILIP STEPHENS Esq^r.

DOCUMENT X

Copy of a Letter to the Navy Board
Dated the 15th: May 1769; relative
to the State of Dean Forrest.

I beg leave to acquaint you with some Remarks, I have made in His Majestys Forrest of Dean, respecting the Timber, and to Offer some reasons why so much of it is annually destroyed and why there is not more young Timber coming up. The Colliers (of which there is a great number,) who formerly were accustomed to make use of decayed Beech, Ash, Birch, or other Offal Timber, that grew in the Forrest, have for some Years past claimed a right to Oak Timber for their Works, and I have been well informed that they had one Year, thirteen Hundred Trees and oftentimes more, but seldom less than from Seven Hundred to a Thousand every Year, which Trees are delivered to them by the Keepers, by a Warrant which the Colliers obtain from the Steward of the Swanimote Court; A Court held by the Verdurers of the Forrest, who are chosen by the Freeholders of the County. This Court ought to be held by any two at least of the Verdurers annually on the 25th Day of September where the Keepers are to deliver an Account upon Oath of all the Timber delivered to the Colliers within the Year past, and of all the Deer killed that comes within their knowledge either by Warrant or otherwise. But this Court I am told is not regularly held nor any proper Register nor Entry of the Proceedings in it kept. The Colliers most of them have houses on the Verge of the Forrest, and in order to procure Grass for their Horses, often set fire to the Goss or Furze, and by that means the Bushes are destroyed, which would otherwise defend the Young Trees from the Cattle and encourage the Growth of them, but there are many Acres of the Forrest from that cause now wholly

destitute of Trees, which was formerly covered with Timber. They also often take in part of the Forrest for Garden Ground, and keep a great number of Hogs to run in the Forrest, & I have been informed great Numbers are also sent there by other Persons, oftentimes to the Amount of three, four, five or six Thousand, and it is said by some Persons that the Keepers themselves, whose business it is to prevent any Hogs from coming into the Forrest, are paid by the Owners of them for their running there, which I apprehend to be as great a Prejudice as any to the Forrest. For they grub up the Roots of the Fern, and by that means also destroy many Acres (*sic*) that fall from the Trees, which would naturally grow to be Timber, if not destroyed by this means, it being evident that there are many Acres, in different parts of the Forrest so broken up by the Hogs, that the Ground appears as if it had been ploughed and harrowed or rather like a Summer fallow. Though a Conservator is appointed by the Lords of the Treasury, and paid one hundred Pounds a year to inspect the Forrest and see that no Incroachments are made, and to pull down and lay waste all Cottages erected or Ground taken in for Gardens: Yet to all Appearances no notice is taken of these Nuisances as they are daily increasing.

I also beg leave further to observe that there is a Company at Bristol, who have lately erected a forge in the Forest near Lydbrooke who as I have been well informed have had at least five Hundred Loads of Timber for that building, and a Water Wheel, under Sanction of one or two of the Colliers who call themselves free Miners and claim a right to Timber, and they are now employing a great Number of them to dig for Cinders or Slagg, left formerly by the Antient Bloomerys in many parts of the Forrest, and I am told propose to enlarge their works, by which means a much larger Quantity of Timber will be destroyed if not timely prevented.

The Soil in general in this Forrest is so suited for the growth of Timber that the great Increase of the Trees growing there on is almost incredible, and I am humbly of the Opinion if proper care is taken to preserve the present Trees and inclosures made for a succession, this Forrest would supply great part of the Timber wanted for the service of His Majesty's Yard at Plymouth.

(Copy)

DOCUMENT XI

DEAN FORREST

Inclosing a letter setting forth abuses committed therein; recommending proper measures being taken to prevent them & preserve the Timber therein & enforcing a former Letter for encouraging the Cultivation of Timber throughout the Kingdom in general, of which there is a great scarcity.

30th. May 1769

Sir,

In our Letter of the 9th. August last We desired you to acquaint the R^t. Hon^{ble} the Lords Commissioners of the Admiralty, that We experienced great difficulties in supplying His Majesty's Yards with Oak Timber, and expressed our apprehensions, from the general Scarcity that appeared to prevail throughout the Kingdom, that the growth was so much diminished that We could have no dependance upon a sufficient supply to carry on the public Works. Every observation We have made since confirms that opinion, and points out the necessity of some means being taken for its improvement & cultivation, as the increase of His Majesty's Navy both in Number of Ships and Tonnage, and of the Ships employed in private Trade, especially in the Service of the East India Company, has of late years so greatly Augmented the Consumption; We also gave it as Our Opinion that if an encouragement was given for fencing in Tracts of Land for the Cultivation of Oak under proper restrictions for its preservation, and if the Royal Forrests were further improved it would be a great means of increasing the quantity.

Since which We have received a Letter from one of Our Purveyors who was employed in His Majesty's Forrest of Dean, acquaint^s. us that great abuses are committed by the Colliers in the Neighborhood who, as he has been informed annually Cut down great Numbers of Oak Trees under a right they claim to Timber for the Use of their Coal Pits, and are guilty of many Unwarrant-

The Letters here quoted are mislaid, but I have wrote to the Adm^y for copies of them.¹²

¹² Apparently they were not found.

able practices, which tend to destroy the growth; And We have lately received another Letter upon the same subject from a Person of Veracity and good Understanding, entering more particularly into the Abuses committed in the Forrest, of which We have herewith transmitted a Copy. We think it the more incumbent upon Us to lay this Information before their Lordships, as Dean Forrest is One of the finest Nurseries in the Kingdom, and has for these 16 or 18 Years past afforded for the Service of Plymouth Yard a great supply of the largest and most usefull sort for Naval purposes, and the carrying on of His Majesty's Works at that place must in great measure depend upon the continuance of it.

In the 20th. Year of the Reign of King Charles the Second an Act of Parliament was passed for the increase and preservation of Timber within this Forest, which it is said in the preamble was of late years of great quantity and value, but is become totally destroyed: It is therein provided that Eleven Thousand Acres of Waste Lands may be forthwith inclosed for the growth & preservation of Timber, and We have the greatest reason to attribute the supplies We now receive from thence to the inclosures made in consequence of that Act; The Timber appearing to have been raised about that time. But We greatly fear either that the Provisions contained in it are not strictly executed, or are ineffectual for restraining the abuses which now prevail, or that further regulations are wanting to prevent them. In the 9th. and 10th. Year of King William an Act of Parliament was passed for the increase and preservation of Timber in the New Forrest, which provides for the inclosure of extensive Wastes for that purpose, and enjoins that no Tree whatsoever shall be felled without the Consent of the Commissioners of the Navy or of their Officers, together with the Officers of the Forrest, nor that any Coppice Wood shall be cut or drawn until the Surveyor of Woods or Purveyor of the Navy shall have first marked such Trees as are fit to be reserved and kept standing for Timber.

The good Effects of this Law have been so long and fully experienced that We are very desirous of seeing the same regulations extended to the Forest of Dean, being strongly perswaded they are likely to prove the most effectual that can be provided to remedy the Evils which from every information are represented to prevail there; We therefore are induced to recommend this

matter to their Lordships consideration, for their taking such measures upon it as shall appear to them to be most proper, hoping they will be pleased to use their influence towards obtaining an Act of Parliament whereby these Forrests may be put upon the same footing, as in Our Opinion such a Law cannot fail of being attended with great public advantage; and We most earnestly request their Lordships to endeavor to promote, by every other means, whatever may tend to encourage the growth and preservation of Timber in the rest of the Royal Forests, as well as throughout the Kingdom in general, which appears to us to be an object of the greatest National Importance, the keeping up of the Royal Navy, entirely depending upon it.

We must further desire leave to repeat to their Lordships a former request We made to them, that they would procure directions to be given by the Lords of the Treasury to their Officers, that this Board may have the Pre-emption of whatever Oak Trees may in future be felled in the King's Forrests, His Majesty's Yards being at this time in great want of sufficient supplies to carry on with advantage the Buildings and Repairs of the Fleet. We are &c.

GC. FS. IW. EM. TB. WB.

PHILIP STEPHENS Esq^r.

DOCUMENT XII

WHITEHALL TREASURY CHAMBERS the
21st. November 1769.

PRESENT

The Duke of Grafton:

Lord North.

M^r. Onslow.

M^r. Jenkinson.

Read Letter from M^r. Stephens Secretary to the Lords Commissioners of the Admiralty dated 19th. November 1768 acquainting my Lords that they had received a Letter from the Commissioners of the Navy representing the difficulty they have lately experienced in supplying His Majesty's yards with Oak Timber, and desiring that every means may be taken for preserving the Oak that may be now standing in His Majesty's several Forests, and raising a Succession, and that directions may

be given that no Oak Trees may be felled and sold for private Use, but that the Navy Board may in future be allowed the pre-emption of whatever quantity can be afforded from thence.

My Lords resumed the Consideration of a Letter from Mr. Stephens Secretary to the Lords Commissioners of the Admiralty dated 7th. July 1769, with Copy of a Letter from the Commissioners of the Navy, relative to the scarcity of Oak Timber fit for the Use of the Navy, and a Copy of some Information relative to abuses committed by the Colliers and others in the Forest of Dean, and proposing that the same regulations which were made by the Act of 9th. and 10th. of King William for the preservation of Timber in New Forrest, may be extended to that of Dean.

Prepare a draft of an Act of Parliament for extending to the Forest of Dean that part of the Act of 9th. and 10th. of William the 3^d. Cap: 36, which enacts that no Tree whatever shall be felled without the Consent of the Commissioners of the Navy or their Officers, together with the Officers of the Forest, nor that any Coppice Wood shall be cut or drawn until the surveyor of the Woods and Purveyor of the Navy, shall have first Marked such Trees as are fit to be reserved and kept standing for Timber.

Write to the Surveyor of the Woods that my Lords have received an Application from the Navy Board desiring that no Oak Trees may be felled in His Majesty's Forests and sold for private Use, but that the Navy Board may in future be allowed the pre-emption of whatever Quantities can be offered from thence without hurt or detriment to the growth; and my Lords having in all their Warrants specially directed that no Timber fit for the Service of the Navy, should be cut down under the Authority of the same, do not doubt but he has given directions accordingly, but as his Deputies may in the execution of those Warrants, have Construed Trees to be dotard and decayed, and unfit for the Navy, which the Navy Board might in some Cases have judged fit for Naval purposes: Their Lordships direct that in the execution of their Warrants for the future no Oak Trees may be cut down in any of His Majesty's Forests, until he has given Notice of the Warrants, and of the time he means to execute the same, to the Navy Board, in order that they may, if they think proper, send some Officer of their own to attend the viewing and Marking such Trees, and in case any Officer of the Navy shall be directed to attend the execution of any of the said Warrants, no Oak Trees shall be felled without the Consent of such Officer.

Read Minute of this Board of 20th. July last, direction a Copy of the Information inclosed in Mr. Stephen's Letter of 7th. July 1769 relative to the abuses committed in Dean Forest, to be transmitted to the Earl of Berkley His Majesty's Keeper of the said Forest, and desiring his Lordship will cause an enquiry to be made into the same.

Write to the Earl of Berkley His Majesty's Keeper of the Forest of Dean desiring His Lordship will inform my Lords with the result of his Enquiries into the Abuses stated to be committed in the said Forest, in the Information transmitted to him the 26th. of July last, and acquaint him that if he wants any further Powers to prevent encroachments upon His Majesty's rights, either by Colliers or by any other Persons, that he do apply to this Board for the same.

DOCUMENT XIII

[*Extract*]

1780 Heads of Complaint on Naval Affairs,
with Observations

Timber — More encouragement should be given to the Culture of it — Surveyor Generals fees should be abolished — Abuses in the Forrests so great, that one in particular (Dean Forrest) will soon be annihilated — This Article must be had, and if we go to foreign markets for it, we have it bad & dear — Ships should be built with Winterfelled Timber, and the planks burnt as formerly, & not boiled —

The Nobility & Gentry should not be suffered to cut down Young Oak Trees, or to encroach upon the Forrests by grant of Land — premiums should be given for sowing Acorns under the inspection of Kings officers to see that it is properly done, & on a good Soil.

DOCUMENT XIV

28 February 1,780

Letter from one of the King's
purveyors on the subject of Depre-
dations in Dean Forest.

Shameful abuse
strange such thefts
are not prevented

Hon^{ble} Gent^l. •

I humbly pray leave to acquaint you that in obedience to your directions of the 21st. Ult. I have surveyed and marked the Timber cut on Dean Forrest the last spring, great part of which is fit for Thickstuff & plank; and likewise such other Timber as will be tendered by Mess^{rs}. Mills, the particulars, contents, & Uses I shall lay before your Honours as soon as possible.

I should think myself very remiss in my duty, if I did not acquaint your honours, that in course of my Survey on Dean Forrest, I discovered, and was informed of most shamefull depredations of the Oak Timber, which is cut every day by sundry persons living round the Forest. For some years it has been a custom with the people on the Forest, to steal the Body of the Tree in the night, and cut it into Coopers ware, leaving the Top part on the spot, which the Keepers take as their perquisite. At this time whole Trees are conveyed every spring tide to Bristol.

When I was at Gatcomb, in one day there were five or six Teams came with Timber, plank, & Knees (winter felled), & other Timber, among which were several usefull pieces for Ships of 64 [?] & 50 Guns. I am therefore humbly of opinion, unless some method is found to prevent such depredations, in a few years the whole Forest must be destroyed.

Having acquainted your Honours with these particulars as I thought it my duty to do, I remain &c^a.

BN. SLADE.

28 February 1,780. *

HON^{BLE} NAVY BOARD

DOCUMENTS XV-XVII

LETTERS RELATIVE TO NEW FOREST

XV

WHITEHALL TREASURY CHAMBERS

22^d. December 1768.

Gentlemen,

Having laid before my Lords commissioners of His Majesty's Treasury, a Letter from His Grace the Duke of Bedford, Ranger of the New Forest in Hampshire, acquainting My Lords that there is a sufficiency of Timber in the said Forest to supply annually for the Service of His Majesty's Navy, Three hundred and fifty Loads of Oak Timber, and fifty Beeches, in addition to the Timber already furnished from that Forest; and that the same may be afforded to be cut for eighty, or an hundred years to come; I am commanded by My Lords to send to you herewith a Copy of the said Letter; and desire you will inform them, whether the demands for Timber in the King's yard at Portsmouth, will admit of your taking annually the additional quantity of timber mentioned in that Letter; in order that if the same shall be found to be wanting for His Majesty's Service, my Lords may give directions for preparing a Privy Seal, and Warrants for authorizing the said supply, at the price stated by the Duke of Bedford. I am Gentlemen

Your most obedient humble servant

THO^s. BRADSHAW

Commiss^{rs}. of the Navy. Ab^d.

The Letters
& matters referred to in
his Grace of
Bedford's memorial to the
Treasury,
never came
before the
Navy Board.

DOCUMENT XVI

DUKE OF BEDFORD
with proposals about
New Forest.

29 Sept. 1768.

WOBURN ABBEY, Sept. 29th. 1768

My Lords,

Having in the year 1751 received directions from Mr. Scrope then Secretary to the Board of Treasury, to give such information as it might be in my power to do, to the then Board, in relation to the behaviour of some of the King's Officers in the New Forest, against whom I had presented a Memorial to their Lordships dated 3 June 1751. In order to prove the facts contained in the above Mem^l, I did request their Lordships to postpone this enquiry 'till I could have time to go into the Forest myself in order to enable me not only to prove the said facts by Affidavits, but also to lay before them such matters relative to the Management of the Forest, as should appear to me upon view to be necessary to be laid before them, and such a plan for the future regulation of the Forest, as would be most conducive for the preventing such Frauds & abuses as had heretofore been practised, and had brought it to the desolate State, in which it then lay.

Accordingly having taken a very accurate view of the Forest; I had the honor to lay before them in my Letter of 14 Sept^r. 1751, a very full State of the forest, as it then stood; and likewise submitted to their consideration such a Method, as I hoped would be sufficient, if strictly adhered to, to prevent all future abuses, and would remedy those Evils which had been so justly complained of.

Their Lordships referred this Letter of mine, and the complaints against some of the King's Officers, by their Order of Nov^r. 20th. 1751, to John Sharpe Esq^r. then Solicitor of the Treasury, with directions to him to enquire into the truth of the facts alleged, and to report to them his Opinion thereupon. Mr. Sharpe accordingly summoned several Parties before him, and made his Report to the Board of Treasury the 20th. July 1754, to which I refer your Lordships. On the 14th. of February 1756 the Officers complained of not being removed, tho' Mr. Sharpe had reported against them, I wrote again to their Lordships, praying that the said Officers might be removed, and such regulations

made as they should think proper, for the preservation of the forest, to which Letter I have the Honor to refer your Lordships. In pursuance of this, Mr. Coleman one of the Officers complained of, was discharged from his Office of Deputy Surveyor.

From that time viz^t. in 1756 to the present year, nothing farther has passed betwixt the Board of Treasury & myself, occasioned chiefly by my having been absent three several times from this Kingdom during that period, and by various other Accidents which have prevented my going into New forest.

However at last having found time this summer to pass a Week there, & having taken a full view, of almost every part of the forest, I think it a duty incumbent upon me, as the King's principal Officer in it, to state to the Board of Treasury the present State of it as it appears to me, and a plan which I have very maturely considered & which I flatter myself will restore this forest for Ages to come, to its former flourishing state, & enable it to furnish perpetually a large quantity of the finest Timber for the Royal Navy, and continue a Noble and beautifull forest for His Majesty's pleasure and Service, and all this to be effected without any farther expence to His Majesty's Civil List, and with a Manifest saving to the Navy, who will be supplied with a larger quantity of fine Timber, than they have at present, and that much better and at a cheaper rate than they can buy it in the Merchants Yards. To avoid taking up too much of your Lordship's time, I shall recapitulate nothing which is ment^d. in my Letter of 14th. Sept^r. 1751 to which I refer in every point which is not derogated from in the present plan. Tho' the removing Mr. Charles Coleman, from his Office of Deputy Surveyor and Under Woodward, by the Lords of the Treasury in 1756, five years after the complaints I had made against him, and the appointing another Purveyor of the Navy, has been attended with such good consequences, that I perceive upon my review this year, a visible change for the better, in the forest, from its state in 1751, yet as the radical Evils pointed out in my Letter of 14 Sept^r. 1751, yet remain, (no Orders having been given by the Board of Treasury on the Plan then proposed by me) I shall now suggest for your Lordships consideration such thoughts as have occurred to me as most proper to remedy the Evils complained of, and so far only vary from my former Plan as will tend to make it more feasible and economical, without incurring any charge on His Maj^{ty}s. Civil List, and with a manifest Advantage to the Royal Navy. Before I begin to open this Plan, I think it necessary in justice to those who are now employed as His Majesty's Officers in the forest, to inform your

Lordships that I found the Forest in general in my perambulation in August last, in a much better state with regard to Timber than it was in the year 1751, which I can account for in no other way, than by the removal of Coleman, and Hawkins the late Purveyor of the Navy, the last of whom is replaced by Mr. Holles an exceeding sensible and understanding Man, perfectly acquainted with the nature of Timber fit for the Use of the Navy, and very Zealous for the preservation of the Timber in the forest for that Service, and a Man of the best Character for his honesty & integrity. I had great Assistance from him, during my taking a view of the Forest, where he attended me during every days view, and shewed me the principal part of the great Timber in it, he being more perfectly acquainted with every part of it than any of the Under Keepers of it. I will take upon me to assert, that his *Negative Hammer* has saved more fine Timber from being misapplied to improper uses, and done more real Service to the forest during his residence in it, than all the other Officers employed by the Crown, have done for these fifty years past.

I must now state to your Lordships, the radical Evil I have long complained of and which, if not deracinated must finally put an end to this great and Noble forest, the properest by the aptness of its Soil for the growth of Timber, and by its Vicinity to Portsmouth to supply the Royal Navy with fine & valuable Timber. The Annual Charges which have hitherto been born by Sales of Timber yearly made in the forest to raise Money for the following purposes are these viz^t.

| | |
|--|--------|
| The Woodward's Salary p ^r . Annum | £ 200. |
| The Groom keeper's Rangers &c ^a | 300. |
| My Salary as Housekeeper at Lyndhurst | 70. |
| The Keeper's Nobles, and Incidentals | 57. |
| Repairs of the Bridges, Forest Pounds &c ^a . amount- ing Communibus Annis to | 60. |
| | £ 687 |

This sum of £ 687 is annually defrayed by Sales of Timber made for that purpose, and tho' to raise no larger a Sum, yet on Account of perquisites of Bark, Lop, & Top &c^a. occasions a loss to His Majesty of at least double (if not treble) the sum intended to be raised, and consequently occasions much waste of Timber. The Forest likewise bears in the same way, the expence of new building and repairing all the Lodges of the Master, and under Keepers, the repairs of the King's House and

Stables at Lyndhurst, supporting the Rails round the Lodges, which at this time will Amount as appears by an Estimate I have caused to be made by a Skilfull Workman, to at least the sum of £ 1800. The fuel allowed to the Master and Under Keepers, which is Allotted to them yearly, wo^d. Amount if sold to the value of about £ 130. and is likewise taken yearly out of the Forest under the like disadvantage of Perquisities, as the foregoing Sums — All this makes so great a charge upon the Forest, that it is impossible it should, in its declining State, be long able to support it, to remedy which I make this proposal for Your Lordship's consideration.

The Board of Treasury has at present (as I am informed) a Contract with the Navy Board, to furnish out of the New forest 500 Loads of Oak Timber annually, at £ 1.18 a Load, to be approved as fit for His Maj^{ty}s Navy by the Purveyor. The price that must be given to the Merchant for Timber of like goodness (could it be found) would be from £ 3.10. to £ 3.15 ¾ Load. The *Bonus* given to the Navy is consequently from £ 1.12 to £ 1.17.0 ¾ Load. The Money arising from this Sale being £ 950. is paid into the King's Exchequer. It is not proposed by me to touch this Sum or any part of it, but to make for the service of the forest, another Contract with the Navy Board for 350 Loads more of Oak Timber annually at £ 2. a load, which will give a *Bonus* to the Navy of at least £ 1.10. a Load, which will produce £ 700 a year, as all charges of Purveyorship and Perquisites may justly be taken off, as no person's place will be diminished, this being an overplus of Timber of what has been hitherto furnished for the Navy. I take upon me to assure your Lordship's that there is a sufficiency in the Forest of this sort of Timber, which is full ripe to afford cutting this quantity for 80 or 100 years, before which time other Timber will come in Succession. Fifty Beeches at £ 1.11 ¾ Load are likewise by the present Contract furnished to the Navy, the amount of which is likewise paid into the Exchequer; and I propose that 50 more Beech may be furnished at the same price (which may very well be spared) and will mount at least to £ 200. This Sum with the £700. proposed to be raised by the contract for the additional Oak Timber, will amount to £900. Annually, which I propose should be applied for the use of the Forest in lieu of those Sums now raised by Sales of Timber, in the following manner.

This offer was
accepted_of.

| | |
|---|--------------|
| The Housekeeper at Lyndhurst's Salary | £ 70. |
| The Woodward's Salary | 200. |
| His Deputy in lieu of Perquisites | 50. |
| The Groom Keeper's &c ^a | 300. |
| Keeper's Nobles and Incidentals | 57. |
| Addition of £10. 7s Ann. to each Under keeper in lieu of Fuel | 130. |
| £2. 7s Ann. to each Keeper to keep his premises in repair under inspection of the Lord Warden | 26. |
| | <hr/> £ 833. |

This Sum of £ 833, is proposed to be defrayed out of the £ 900. to be raised upon the new Contract with the Navy Board, and the residue (if any) to be paid into the Exchequer. I have proposed the Addition of £ 10. p^r. Annum to each of the Under or Groom Keepers (as they are called in the forest) in lieu of fuel, as I know that what is allowed them for fuel amounts to as great sum, and costs the forest much more. The £ 2. 7s Annnum for keeping the Premises in repair, is likewise proposed on an economical principle, and will be sufficient when their Lodges are once put in repair, to keep them Wind & Water tight.

When your Lordships are pleased to make any assignments for raising Money for His Majesty's service out of the Forest, I must refer to my former Letter for the measures I have there proposed, for the preventing as much as may be, those abuses which have hitherto been practised.

I did in that Letter propose the making some new Inclosures for the raising up young Oak, but this has been so shamefully executed by those who were employed in the doing it, without any intervention of mine, that tho' the Inclosures have been perfectly well & very expensively fenced off for about 13 years past, there is not the least appearance of timber coming up, nor could I see, even one single Oak in the compass of sev^l. hundred Acres, the Acorns having been Strawed only upon the Ling & other Trumpery which covered the Ground, without plowing it, by which means it remains now a good Covert for Pheasants, for which purpose I believe it was intended by those who had the management in the setting it out, and no other, except it might be for a pretence of cutting a large quantity of Timber, for the fencing it. There are I think three of the Inclosures, which I propose to your Lords^{ps}. should

be resown with Acorns, after having been prepared for it by taking off one Crop of Oats.

The putting the King's House and Stables and the several Lodges that it will be necessary to keep up, and the Rails about them into proper & Sufficient repair, can at present be no otherwise done, than by an Assignment from Your Lordships, to raise so much money by such falls of Timber this next Spring as shall be necessary to defray the expences incident thereto, an Estimate of which shall be laid before Your Lordships.

Before I conclude this Letter, I must mention that I found this forest with regard to Venison, in a much worse situation that it was in 1751 & really unable to furnish the sev^l. Warrants that are given by the several Offices upon it. I must therefore submit to your consideration whether a restraint from Killing any Deer for One Year, might not be given, & such compensation made to the Under Keepers for the loss of their legal and due fees, during that period, out of the Money to be raised out of the NEW Navy Contract, as should appear to your Lordships to be reasonable.

I can impute this diminution of the fallow Deer in the forest, to these reasons only, the increase of the Dear Stealers, the incroachments of the purlieu people, and the neglect (if not worse) of the Under Keepers, who as Officers appointed, and removeable at pleasure by me, I must own myself answerable for, and must consequently take blame upon myself, as their misconduct has been great; and I can only assure your Lordships that I will do all in my power, to keep a Watchfull Eye over them for the future. I am with great Respect

My Lords

Your Lordships most obt.
humble Serv^t. BEDFORD.

DOCUMENT XVII

NEW FOREST TIMBER

Inclosing an Extract of a Letter from Our Purveyor relative to a quantity the Lords of the Treasury have ordered to be cut w^{ch}. cannot be afforded without breaking in upon the Timber not come to Maturity & recommending if it must be cut that it may not be confined to New Park but extended to the Waste of the Forest in gen^l.

18th. May 1770.

Sir,

We send you enclosed an Extract of a Letter We have received from Mr. Joseph Hollis Our Purveyor in the New Forest, acquainting Us that he has been informed the Rt. Hon^{ble}. the Lords Commissioners of the Treasury have been pleased to grant Warrants for raising One Thousand Pounds by sale of decayed Oaks and five hundred Pounds by Old Beeches, not fit for the Use of the Navy, Also five Thousand One Hundred and four pounds by Sale of Oak in New Park, which Mr. Mills a Timber Merchant is to have the refusal of. We desire you will lay the same before their Lordships, and acquaint them that in the present state of the New Forest, We greatly fear so large a fall of Oak Timber in One Year in addition to the quantity of 870 Loads and 100 Beeches lately ordered for the Navy, and which it is proposed should annually be cut for that Use, will be more than can be afforded from thence without breaking in upon young Timber before it is arrived at Maturity for Naval purposes, and that having already made Our Contracts, and provided the whole We can purchase Out of the Grants of the present year, it would not only be prejudicial to the Forest, but inconvenient to receive this additional parcel into His Majesty's Yards this year, which by the Act of the 9th. & 10th. of King William cannot be sold for any other purpose, therefore We apprehend the Purveyor must be mistaken in his Information of their being an intention to dispose of it otherwise. With regard to the dotard and decayed

Mr. Hollis's
Lre is mislaid,
but I have
wrote to the
Admty for a
copy of it.

Trees, we are informed the number is so much lessened that there is reason to fear there may not be a sufficient quantity in a few years to answer the demands of the Tenants for Repairs and Firewood, and Assignments for Repairs of Lodges, As We set forth in Our Letter of the 9th. January last to the Rt. Hon^{ble}. the Lords Commissioners of the Admiralty, upon their reference to Us to transmit them a Plan for encouraging the Growth of Timber. And it was this induced Us in Our Letter to you on the 19th. January last ¹³ praying their Lordships Warrant for 100 Beeches for the Use of Portsmouth Yard in addition to what had been ordered to be felled this year for that purpose, to propose to their Lordships that the value might be applied in Aid of the Sum we were informed his Grace the Duke of Bedford intended to apply for to repair Lodges in the said Forest.

If it should notwithstanding be their Lordships pleasure that the quantity of Timber mentioned in Mr. Hollis's Letter should be cut immediately, We desire you will move them, that the fall of the Oak may not be confined to New Park as it will be so destructive to the Young Trees in that district, but extended to the Waste of the Forest in general.

We cannot omit representing to their Lordships on this occasion the great care necessary to be taken for preserving and increasing the Growth of Timber in His Majesty's Forests in general, as We daily experience the scarcity in the hands of private property, and in the new Forest in particular, as it affords a supply of the most usefull sorts for the service of His Majesty's yard at Portsmouth. We are &c^a.

GC. JS. IW. EM

GREY COOPER Esq^r.

¹³ Not found in the Shelburne papers.

DOCUMENTS XVIII-XIX

FURTHER LETTERS RELATIVE TO THE SCARCITY OF TIMBER

XVIII

ADMTY OFFICE 12th. Dec^r. 1769Gentⁿ.

Having communicated to the Lords Commissioners of His Majesty's Treasury your two Letters of the 9th. August 1768, and 30th. May 1769, concerning the growing scarcity of Timber fit for building Ships for the Royal Navy, And their Lordships having in order to remedy the said Evil come to certain Resolutions (Copies of which have been transmitted by their Secretary to this Office) I am commanded by my Lords Commissioners of the Admiralty to send you herewith a Copy of the same for your Information.

And whereas you will observe that among other Methods proposed to be taken for the preservation of the Oak Trees now growing in His Majesty's Forests, directions have been given that none of them shall be felled for the future, until the Surveyor of the Woods has been given notice to your Board of the Warrant he has received for so doing, and of the time at which he means to execute the same, that you may send an Officer to attend the viewing and Marking the Trees. It is their Lordships directions that upon your receiving such Notice from the Surveyor of the Woods, you do send a speedy answer, whether you intend your Officer should attend or not, the viewing and Marking the Trees intended to be cut down.

And their Lordships of the Treasury having acquainted my Lords of the Admiralty that they will be ready to recommend to Parliament any proper Plan which shall be suggested for encouraging the growth and preservation of Timber through the Kingdom in general, It is their Lordships direction that you do consider and prepare, and transmit to them as soon as you conveniently can, a Plan for that purpose, that the same may be recommended to Parliament, in case it shall be judged proper I am

Gentⁿ. your most humble serv^t.
PH^p. STEPHENS

DOCUMENT XIX

TIMBER OAK

relative to the great scarcity thereof in this Kingdom & the Measures that occur for encouraging & preserving the Growth thereof not only in the Kings Forest but through the Kingdom in general.

9th. January 1770

Sir,

The Rt. Hon^{ble}. the Lords Commiss^{rs}. of the Admiralty having been pleased by your Letter of the 12th. of last month enclosing the Resolution of the Rt. Hon^{ble}. the Lords Commissioners of the Treasury in consequence of Our Letters of the 9th. August 1768 and 30th. May last, relating to the great scarcity of Oak Timber, to direct Us to prepare and transmit to them a plan for encouraging the Growth of it throughout the Kingdom in general; We have in obedience to their Commands taken this Matter into Consideration, and desire you will acquaint their Lordships, there are no means, we can propose that appear to Us so proper for promoting this desirable end, as what we have already mentioned to their Lordships in Our former Letters on this subject; the giving encouragements to the Proprietors of Waste Lands to enclose Tracts for raising Oak, and encreasing and preserving the Growth in the Kings Forests.

There are already many Laws in force for preserving the Growth of Timber, but from the little regard paid to them, We much doubt whether any New Act is likely to be attended with better Consequences unless it was of such kind as to make it the Interest of Persons to carry it into execution.

In the 29th. of his late Majesty an Act of Parliament was passed for enclosing with the mutual consent of Lords and Tenants part of any Common or Waste for the purpose of planting and preserving Trees for Timber, but We have never heard it had the intended effect; which may be attributed to the expence of making the enclosures; But if it should be thought proper by the Legislature to grant Bounties or Premiums for fencing in and sowing such Lands with Acorns where the Soil is adapted to their Growth under proper Restrictions for keeping up the fences and preserving the Trees until they become Timber of a

certain size, We are inclined to hope it would promote the raising many Nurseries for Oak through the Kingdom, and render Lands unfit for other purposes, not only of greater value to the Proprietors but more beneficial to the Public.

As no dependance however can be placed upon the Effects of such an encouragement should a proposition of this sort be adopted, and as making Enclosures is in general allowed to be the best method of raising Timber, We cannot too strongly recommend their being constantly carried on to a certain extent in all His Majesty's Forests, whose Wastes We are persuaded might be so far improved by annually fencing in a number of Acres as to afford in course of time the greatest part of the Timber consumed for the Navy.

These endeavours to increase the Growth will, notwithstanding, be to little purpose unless due Care is afterwards taken to preserve it, and We have too much reason to believe, that either from neglect in the Officers to whom the Conservancy of the Forest is committed, or from Abuses, the quantity of growing Timber has been greatly lessened and much of it destroyed before it came to Maturity.

It will therefore be highly necessary to enquire into and reform whatever abuses may prevail in the Forests, and enjoin a strict observance of the Laws & Regulations so well Calculated for their government, and to restrain all encroachments under the name of Privilege or otherwise, which occasions the Annual Destruction of much usefull growing Timber; And if the Emoluments or Advantages of the Kings Officers wherever they arise from perquisite was entirely stopt, and suitable Salaries established in lieu of them, We are of Opinion such a Regulation would effectually contribute to fulfill the great Object in view.

As the Advantage of a resident Officer of the Navy with a power of marking all Trees fit for Naval purposes either for felling or to be left standing for that use has already been experienced in the New Forest, We are of Opinion if the residence of such an Officer with the same powers was extended by Act of Parliament to any other of the Forests of great extent, and if in the lesser ones Authority was given to this Board to send an Officer from time to time to mark such Trees as may hereafter be felled that are fit for the Navy or proper to be reserved standing for its Use, it would be attended with equal benefit in preserving the Growth.

In Our Letter of the 30th. May last We laid before their Lordships Our Information of Abuses committed in Dean Forest and their Lordships of the Treasury having been pleased to approve Our proposition

for its being put under the same Regulations with the New Forest, We hope it may not be improper to mention some other Matters necessary for preserving Timber in the Forests in general.

Amongst these One of the principal that Offers is the taking care to keep up the Fences of Enclosures when made until the proper time for their being opened, which if committed to proper Persons might be done at small Expence; for want of this necessary Attention, the Cattle and Deer enter and destroy the young Plants, as we are informed has been the Case in the Enclosures in Dean Forest, even to so great a degree as entirely to defeat the End for which they were made. The nature of these Fences should depend upon the Country they are made in; We would recommend digging deep ditches in general round the enclosures, and if the Lop, Top, and Bark was to be applied towards the Expence of making them, it would considerably reduce it.

We must likewise mention the necessity of thinning the young Trees as they rise in these Enclosures, for want of which the 2,000 Acres first enclosed in the New Forest according to the Act of the 9th. & 10th. of King William have been prevented from spreading and becoming good Timber, and many of them should immediately be taken down as they impede the Growth of the rest; And here we are sorry to observe to their Lordships that although by that Act it is provided that after the above Number of 2000 Acres was enclosed, an additional number of 200 should Annually have been taken in for 20 years, only three small enclosures have since been made containing in the whole about 250 Acres, and those in a soil not the most judiciously chosen, though it ought chiefly to have been attended to.

In all parts of Forests not enclosed, strict Injunctions should be given for preserving Bushes, and even Penalties inflicted upon destroying them, and the Growth should be encouraged by sowing Seeds for their production as they are the best Shelter to young Trees from the Brouse of Cattle.

As a right of Herbage and Pasturage it is apprehended is exercised by many Persons who are not entitled to it, and by those who are, for greater numbers of Cattle than they should be allowed, it would be an Advantage to the Forests if enquiries were made in order to confine this right within proper limits, and particularly if Hogs were prevented from running in them, which is too frequently improperly suffered by the Connivance of Keepers, and if all Rabbit Warrens were destroyed, as nothing is known more effectually to prevent the growth of young Trees.

According to the information of Our Purveyor in the New Forest, the number of dotard and decayed Trees are much diminished by the constant Fall requisite to answer the demands of the Tenants for Repairs and Firewood, and by the Assignment for Repairs of Lodges &c^a.; We therefore are humbly of Opinion, great Caution should be used in granting Warrants for this last mentioned purpose, lest as that sort of Timber is already become scarce, there may not be sufficient in a few Years to answer the demands for Fuel and other purposes. The Annual Consumption for these Articles is very great, and We fear admit of much abuse, but We apprehend the quantity might in time be considerably reduced if in all future Leases the right of the Crown Tenants to Timber for Repairs and Fuel was omitted.

Having set forth the principal Matters that occur to Us on this subject, We submit the whole to their Lordships, and are &c^a.

GC. IS. IW. EM. IB

PHILIP STEPHENS Esq^r.

DOCUMENT XX

TIMBER

Inclosing a Draught of an Order to the sev^l. Yards, contain^g. Rules for the Receipt, Conversion & preservation thereof in a state of Seasoning whereby His Majesty's ships are expected to be more durable in future.

19th. October 1773

Sir,

You having acquainted Us by Letter of the 2^d. of last Month, that the R^t. Hon^{ble}. the Lords Commissioners of the Admiralty observe, that Government for two years past hath been at great expence in providing and laying up a considerable Stock of Timber, and in erecting Seasoning Sheds for it, and that there is now a good prospect of soon completing a proper Stock of Oak Timber at each of His Majesty's Dock Yards, the want of which for many years past, has unavoidably occasioned an improper mode of Building His Majesty's Ships: And that their Lordships conceive that it may be now a proper time to refo^rm effectually this great evil, and to begin by revising all orders that have from time to time been given relating to the providing, stowing, Con-

verting, preserving and seasoning Timber, and out of the whole, together with such Additions and Amendments as We shall propose to be made, to form one general Order to contain rules to be hereafter observed with as much exactness as shall be found practicable upon each head. And you having signified to Us their Lordships direction to cause to be prepared and sent them as soon as conveniently may be, a draught of such a general standing order, observing that the first and principal Object of all is, to keep three years consumption of Timber in each Yard, that being the foundation upon which the execution of all the rest depends, and the only One upon which durable and serviceable Ships can be built.

In answer thereto We desire you will acquaint their Lordships, that in Obedience to their directions, We have revised the several Orders given to the Officers of His Majesty's Yards on the subject, and have, with such Additions as We saw necessary, formed One General Order, which We propose should be observed as a uniform Plan in all the Dock yards, for disposing, Converting, seasoning and applying the Materials to be used, in Building of His Majesty's Ships hereafter, which We have great reason to expect will be attended with those Advantages their Lordships have in view, the rendering the Ships of His Majesty's Navy more lasting and durable, a draught of which We enclose for their Lordships approval.

There are some parts of this Plan which from particular circumstances may sometimes be found difficult to execute, nevertheless We think it adviseable to give the fullest directions on each Head, that no part which can be complied with may be neglected.

As their Lordships are pleased to observe the first and principal Object of all is to keep three years Consumption of Timber in each yard, or as near that quantity as they will contain, or may be found convenient, We shall continue to make a suitable provision until this desirable end is obtained, The amount of which in the Rough State may be estimated from a Medium Consumption in all His Majesty's Yards (which in the last fourteen years has been 22,000 Loads ꝑꝑ Annum) at 66,000 Loads. And We have the satisfaction to acquaint their Lordships, that notwithstanding Our Apprehensions of the great scarcity of Timber, We have reason to hope from the offers lately made to Us, that We shall soon have it in Our power to compleat the Stores to a proper quantity of English Growth, which in a great measure We Attribute to the Effects of the late Act of Parliament for the limiting the Building of Ships for the Service of the East India Company.

As in some of the Kings Yards there is not sufficient space to stow a proportion for three years Consumption in a rough State we propose to enjoin all Contractors for Timber in future, to deliver at least One third of the quantity contracted for in a sided state, which method will be attended with many advantages to His Majesty's Service, The Bulk will be greatly reduced for the convenience of Stowage, and space thereby gained for a greater quantity, it will as soon as Sawn be in a Seasoning state, and continue so whilst in Store, be equally applicable to its several Uses, and greatly forward the Works by giving better opportunity for employing our own Sawyers in converting in due time the several parts of the Frames &c^a. of Ships building and under repair, and this without any increase of Expen^dce.

It has been principally to obtain these ends, particularly to get Timber at cheaper Carriage from distant parts that Agreements have been sometimes made for serving it in Converted; but the difficulty of confining these Contracts within proper limitations to prevent abuses, has determined Us not to enter into more on this footing, but to purchase as much as We can procure and may be convenient and proper for carrying on the Works, in a Sided state only, A certain proportion of the whole perhaps one third, it will be necessary to keep in Store Rough for particular Uses.

In case We should be disappointed in Our Expectations of procuring a sufficient quantity of our own Growth to supply Our Consumption and keep up the Stock proposed to lye in Store, We are of Opinion it may be proper discretionally to continue purchasing some Timber of foreign Growth for Repairs and inferior Uses, having now informed Ourselves from what We have hitherto bought, where and how the best may be procured in any quantities, and being of Opinion that well chosen foreign Timber, though of an inferior quality will prove more durable when used well seasoned, than the best English Oak when it is worked up Green.

There has been some Samples of Oak lately imported from Quebec that grew near the Lake Champlain which We have purchased for Trial, that is in the same State and appears to be of as good quality as what is imported from Germany. We are also now informed that the like may be had from other parts of America, of which We have the satisfaction to acquaint their Lordships, as it affords a good prospect of Governments, being supplied with further Quantities whenever it may be wanted from thence.

By carrying into Execution what We have proposed, We shall have

it in Our power upon an Emergency, to encrease His Majesty's Fleet sooner, and to a greater degree than has heretofore been done, and We have reason to believe it will prove more durable though the Ships should be hastily Built. We are &c^a.

HP. JW. GM. FB. WP. RT.

PHILIP STEPHENS Esq^r.

DOCUMENT XXI

Letter from Mr. Mills in relation to Alice Holt Forrest.

Gent^m.

I beg leave to acquaint you there is more than 500 Loads of Timber now standing in Alice Holt Forrest fitting [fit?] for plank & thickstuff, and frame Timber, which may be delivered to his Maj^{ty}. Yard at Deptford in the Course of next Year if the service is in want of it, and it is your pleasure to make a demand of it. The Timber above mentioned is full grown, and in great danger of being stole by the Country Farmers & others near the Forrest, who have cut down several trees this year, and say they have a right to the whole. I am &c^a.

HENRY MILLS.

30 Dec^r. 1777.

In consequence of the above L^{re}, the Lords of the Treasury are wrote to for a fall of this Timber.

The State of the Forrest is such that I hope it will be one matter of enquiry when the State of the Nation is brought on; I believe your Lordship has materials sufficient for it.

HONBLE NAVY BOARD.

DOCUMENTS XXII-XXIII

1,770

Copies of two

Curious Letters on
the Subject of Timber.

XXII

January 27th. 1770

Honble Sirs,

Agreeable to your desires I have endeavoured to recollect whatever Observations I have made in regard to the improving the growth of Timber; and I cannot think of any method more effectual than what I have heretofore mentioned to your Honours which is in the first place, to have all such parts of every Waste on His Majesty's several Forests, as are proper for Timber, duly fenced in, so as to be sufficiently secured against the Deer, or Cattle of any kind from feeding therein, and then to be planted with Acorns intermixt with other seeds of quicker growth, such as Beech Mast, Ashkeys, Hazelnuts and the like, whereby the first shootings from the Acorns (*sic*) will be protected from the Weather, And by this method each Enclosure will soon become a Wood or Coppice, And then as soon as the Coppice is grown to a Size to make small faggots, such as are used in Lime kilns, which in common is Eight or nine years, the whole should be cut down, except the saplins or Tellers sprung from the Acorns (*sic*), These should be most carefully left. The time of the year for cutt^g. the Coppice should be November, December or January, then in the Spring the Tellers should be carefully viewed and a proper number of such of them as shall appear in the least thriving condition should be markt out for cutting away, a part of which only should be cut away immediately, and the rest in the Spring following. Neither should too many be mark'd for cutting away in the whole. Indeed in the right Management of the Coppice lies the chief skill in raising of Timber. The number of Tellers ought to be diminished, that what are left may have more room to grow and extend themselves, but if too many are cut at a time, those which remain will be so much opened to the Wind and Weather as will cause them to run up small and so weak as even to bend under their own Weight; but if the number taken away be judiciously chosen and removed gradually, the Tellers will grow up stout and strong. After the second spring in which the Cutting of the

Tellers mark't out before, is finished, the Coppice should be left to grow up again, till it is become fit to be cut a second time, which will be in about ten or twelve years, and then the Coppice Wood is to be cut down again with the same Caution as before, in preserving the Oak Tellers intended, and in the thinning their number afterwards, that what are left standing may have still more room to spread themselves in; And this Management of the Coppice is to be observed as often as the underwood is cut, till no more of the Tellers or Young Oaks are left, than what are reserved to grow up to Timber. This in my Opinion should not be more than Fifty or Sixty on each Acre of Land. And was every Nobleman and Gentleman possessed of land proper for the growth of Timber to pursue the same method, I am greatly inclined to think that within One Hundred & twenty or thirty years, care being taken to preserve the young Timber now growing, of which in many parts of the Kingdom there is a great Quantity, there would in that time be more, than would be wanted for the supply of the Navy, and Trade of England. And I am further inclined to think that His Majesty's Forest of Dean alone thus Improved (from the observations I have made respecting the growth of the Timber during the time I have been favour'd with your Honours Commands there) with the quantity of Timber Trees now growing thereon, would supply near, if not half the demand of His Majesty's Yard Plymouth.

And as I was desirous of giving your Honours the best Account I possibly could I consulted a friend in Sussex, a Gentleman of fortune and landed property, who, I knew, had given as great Attention to the management of Timber, as (I believe) any one in the Kingdom, and while I am writing I have received a Letter from him which I take the liberty to enclose for your Honours perusal; as it will illustrate what I have been recommending, by examples of the success this Gentleman has had in pursuing the like Method; and also as it contains some farther particulars, which otherwise I intended myself to have enlarged upon.

DOCUMENT XXIII

LODSTH. 23^d. Jan^{ry}. 1770

Sir

Your favour of the 9th. Instant I received yesterday Even; and am ready with the utmost cheerfulness to give you and the Navy Board all the advice and assistance my Weak and shallow capacity is capable

of giving you and them, and sincerely wish my Mite may be of the least Service. There is nothing in this Worlds Affairs I have so much at heart, or that I so sincerely wish to encourage, as to propagate the growth of Timber, having taken all the pains that I have been capable of in my little way for more than 45 years past to inform myself, and I am astonished to see an Affair of so very great consequence so very much neglected and managed with so much ignorance & Indifference, for two of the greatest reasons that can be named or thought of, First it is the most profitable thing to the Grower if well conducted that this Nation affords, and in the next place is our Summum Bonum under Almighty God that We have and enjoy, it brings all of our Riches, and it defends all our property so that if it was not for Our Timber We should not be long Owners or Masters of this Island, I carry it so far as to say that no person is a Sincere and true friend to England who is not a true and sincere friend to the propagating and encouraging the growth of Timber, the little knowledge I have of England having seen but a very small part of it. I am fully persuaded that if every proprietor & Owner of Timber Lands would take but the same care to Cultivate and improve the growth of Timber that I do and have done for 45 years past (there not being any place that I have cut Timber from, but is much fuller now and more regularly planted than ever it was before) that in one Century to come England would be capable of growing Timber faster than there would be a demand for it. But I think I may venture to say as the Affair is now managed there is scarce one Land Owner in a very great number that takes proper care to cultivate and improve the growth of Timber, And a great number of those that do train up Timber cutt it down before it is usefull in any part of the Navy. The Grand Enemy of all to the Growth and produce of Timber is the Cattle of all kinds. The proprietor of Lands cutts down the Old Timber, and afterwards takes little or no care to fence and enclose the same Land to preserve it from the Cattle, but permits the Cattle to go in and feed on these Lands, where the Old Timber was Cutt from, and eat up all the young plants and produce that should be produced & grows from the Acorns that fall from the Old Trees so Cut down, which puts a final end to the growth and produce of Timber on those Lands, as it ought to do. Another Enemy is the Common Tenants and Occupiers of Timber Lands, who hate to see a Tree grow or flourish, and those persons in general destroy and hinder the growth & produce of Timber very much, so much that I am of opinion that if numbers of Estates in the proper Timber Lands were

properly enclos'd and never let to a Farmer nor cultivated for Corn or Grass, the produce and growth of the Timber would in a proper time produce to the Landlord or Owner of the said Lands more real profit than ever they would receive from such a Tenant by rent. Another very great discouragement and hindrance to the growth of Timber arises from the Timber not being freed on the several Copyhold Estates of this kingdom, where the Copyhold Tenant and Owners of those Copyhold premisses in general take care to destroy the Tellows and not to save or preserve very few, as it is for the Lord and not for themselves & the drip and Shade of the Trees does their Corn and Grass much damage; therefore if the Lords of the Manors of this Kingdom in general would for a valuable consideration be prevailed upon to free the Timber on those Copyhold premises it would afford a very great encouragement to the Copyhold Tenants in general to train up and encourage the growth of Timber as they themselves would enjoy the benefit of it, and it would be a very great increase of Timber. As for the enclosing of Wastes or Common Lands to raise Timber thereon; I am afraid it would be remedying of One Evil and bring on a greater, for if it were possible to enclose our Commons and Waste Lands, it would very greatly reduce and hinder the breed of Cattle of all kinds which are by far too dear already, and it would cause a great scarcity of Provisions of Meat of all kinds and would reduce and lower the Rents of abundance of Estates. Besides I am of opinion there are Lands enough already enclos'd if it were properly managed and conducted that would produce more Timber *Ad infinitum* than would be wanted, and most certainly if the Royal Forests were well enclosed and properly managed would in reasonable time cause a very great increase in Timber, what I am now advancing is from my own Experience. My Father purchased two little Estates in the year 1695 (which you have seen) the Land and Timber together cost him £560, the Timber was then valued at £200, only what I have cut already and what more I intend to cut this next Spring will amount to more than £2000. and then the remainder left on the Lands will be worth more than the Original purchase of both Land and Timber, and when I purchased Roundhurst Estate in the year 1741, the whole of the Timber on the Estate at that time was Valued to me by the vender at £500. only, And I have cutt £1000. worth off from that Estate since I purchased it, and I think I may very safely venture to say there are 20,000 Trees now on the Estate worth 5^s. each, And as a plain instance that no time ought to be lost in training up and preserving of Timber, when

I purchased Woolhurst Estate in 1736 M^{rs}. Capron of whom I purchased it, acquainted me that she had forbid the Tenant from cutting the Underwoods then growing on a little peice (*sic*) of Copse Ground on the Estate about 2 Acres which in my time was a very good Furze field, and when I cut the underwoods in the Winter 1736, there was a plentiful Crop of fine Oak Tellows growing amongst the Underwoods, but as it was a poor sandy dry peice of Land I thought Oak Timber would not grow thereon, I ordered them to be all Cut down except 2 which I left by way of Experiment and in the next 11 or 12 years those 2 Tellows girt more than 6 inches square without the Rind, 4 feet above the Stem, that winter I cut the Underwoods again, and by great good fortune I had a very plentiful Crop of fine Oak Tellows again when I had enough sav'd, but those 2 Tellows that I sav'd but 11 or 12 years before are now worth more than £5. each better than the other. I compute there are 300 Standard Tellows on the Copse which at 5^s. each is £75 lost to me by cutting down the first Crop. My late Father in Law M^r. Stone in the year 1727 sold as much Timber off and from a peice of Copse Ground at Hartshurst Cont: 5 Acres $\frac{1}{4}$ & 38 perch as amounted to £660 only a few Trees more might be added to them, but I believe there were as many left standing on the Copse, And in the Year 1735 I sold from another Copse near adjoining about the same quantity of Land as much Timber as I compute I had £500 for. Now if both these Copses were burned into Underwoods or converted into Arable Lands they would not both be worth £5 p Ann: whoever lives to enjoy the Tellows that I have trained upon those two Copses when they are large enough to convert into full 3 Inch and 4 Inch plank, will sell that Timber for more than £2000. In the year 1736 I purchased a little Estate adjoining to Hartshurst, I had the Timber & Tellows Viewed and Valued before I purchased it, and the Timber and Tellows were valued at £100. only, & since that I have cut from it very little less than £200. worth and I think the Timber & Tellows now upon it worth £200. more. There is a small Estate belonging to M^r. Jn^o. Mellersh of Heyshot M^r Henry Pruets Nephew, it lyes at Farnhurst Cross opposite to the House & Shop where Richard Searl the Wheelwright did live and was, until the year 1751 the greatest part Arable Land, I think the rent is £8 p Ann. the late M^r Mellersh told me in 1751 when I sold his Timber off that Estate, that his Father quite stript it of Timber & notwithstanding that he himself had sold more than £200. worth and in the year 1751 I sold for him £800. worth, wanting £3.6 s. 8 d. and in a year or two after M^r. Hen^y. Pruet sold about £40 worth; and about

7 years ago Mr. Richardson bought £550. worth more, and this last spring they cut as much more as they Valued at near or quite £100, and there is abundance on the Estate now. The best method to train up young Timber that I know of, is where the old Timber will Admit of it in Copses to cut all down clean as you cut and so soon as possible to get the Grounds quite clear'd & the next Winter follow^g. cause those Lands to be well & sufficiently fenced in to prevent any Cattle of any kind from going or feeding in it, and so soon as the Underwoods are grown large enough to make a common Bavin or Lime kiln Faggot which may be 8 or 10 years at most, then order the Workmen to leave all Tellows standing and at the first Spring of year after, let some person of Judgment go & mark out the Worst of the Tellows moderately the first Spring and then the next Spring after let more be mark'd to be cut down and so continue after every cutting of Underwoods for 4 or 5 Cuttings which will be 40 or 50 years, for if you thin them too much the first Spring after taking away the Underwoods you will expose them too much to the Cold & it will hinder their growing & if you let your Underwoods grow too long whilst your Tellows are small you will draw your Tellows up too long & too slender & they will never grow stout & strong afterw^d., by Cutting the Underwoods small, the first time especially and also the second time, you will make your Tellows very stout and strong if the Lands are kind for Timber, and care is taken to keep all Cattle out there will be no want of Timber, if the Workmen & Teams don't cut them down or spoil them, if you were to ride over the Patworth Estate you will be surprized to see the numbers of fine young Tellows now growing, especially where the Underwoods and Timber was cut clean down in his late Grace's time about 20 years and where the late Lord Egremont clear'd the remaining Timber in his time. It would give me great pleasure to have your Company at Lodsth. and ride over my little premises and see whether my Timber improves according to your Expectation since you last saw it, and whether you approve of my method of training up of Timber. I hope I may be favoured with that pleasure when a convenient opportunity offers, there is not one place where I cut Timber but is fuller now than it was before I cut the other Timber. The great and common objection that is generally made against saving and training up of Timber is, they say it is a long time growing up, I think if properly managed it is not so long, Mr. Stone and your humble servant cutt I compute from Hartshurst Estate from 1720 to 1736 about £4,000. worth of Timber and 2 years ago I sold from that Estate and my other

little Estate almost £500. worth more, and the Estate I venture to say was never so well planted with Timber as it is now. I saved a Tellow just below my house at Michmas 1737 very dear then at 6^d. and I now think he is very cheap at 40^s which is Interest enough and it will make a fine pair of Cheeks for a Mast in few years. I ask pardon for giving you the trouble of so long a Letter but it is a subject that I dont know when to part with.

DOCUMENT XXIV

QUERIES TO THE PURVEYORS,
with their Answers, on the sub-
ject of Timber & the Forrests

[1] Has any thing been done, or have any Steps been taken in consequence of the Report of the Committee of the Honble H^o. of Commons in the Year 1771, on the subject of Abuses in the Forrests, the want of Timber &c^a.? And if any what those steps, & how they have answered?

[2] Whether the consumption in the Woods & Forrests, & the Counties within your District, does not far exceed the Growth?

[3] Whether any Acorns have been planted in the Woods & Forrests, or elsewhere, and the Ground cleared & thinned round those which have fallen wild?

[4] And how far the Act of Parliament made in the Reign of King William for planting a certain Number of Acres annually, has been observed.

[5] Whether the Deer & Cattle in the Woods, Forrests & plantations do not occasion much mischief? And the methods to be pursued to keep them out?

[6] Whether the granting the Surveyor General, and the Officers under him, competent Salaries, in lieu of Fees (supposing the latter to be entirely abolished) would not be the most eligible method to prevent improper Falls of Timber and other abuses?

[7] Whether the Woods, Forrests & plantations have been cleared of Dotard & Decaid Timber; And the plantations properly thinned?

[8] Whether the Cottagers and others do not trespass on and steal from the Woods, Forrests, and plantations? And the modes of prevention?

[9] Whether Noblemen & Gentlemen getting Grants of Land, do not encroach & clear beyond those Grants?

[10] Whether much large and good Timber does not grow in the Inland Counties, and where?

[11] And as this Timber must be come at as the scarcity increases, the expence of Land & Water Carriage?

[12] With any other observations that may have occurred on this very important Subject.

ANSWERS BY M^r. CROSS, Purveyor of
His Majesty's Yard at Woolwich.

[1] I have not heard of any Steps being taken to prevent abuses in the Forrests, nor to supply the want of Timber &c^a. If no steps have been taken no consequences ensue.

[2] I judge the consumption in general far exceeds the growth.

[3-4] I never heard of any Acorns being planted in the Kings Woods or Forrests, but have that great Numbers of Acorns & young Oaks, have been planted by private Gentlemen in diverse places, the particulars I do not recollect. Acorns in the Kings Woods & Forrests as they fall wild so they may rise, for they are neither cleared nor thinned, having no assistance but nature. within my knowledge nothing has been done on this head of planting.

[5] Much mischief is done to young Oaks by Cattle & Deer where there is not care taken to keep them out. The method to prevent the same is to have good strong Mounds or Fences where you have a right to fix them.

[6] I do not presume to be a judge on this head.

[7] Whittleberry has & is; and Salcey Forrest till of late has been properly cleared of decaid & dotard Timber, & the Coppices properly thinned. Sherwood Forrest the greatest part is decayed Old Timber, & no Succession or means used for young Timber.

[8] No Abuses by Cottagers or other persons more than on private property, the punishment in general is felony. The mode of prevention is for the Officers to do their duty.

[9] I know of no Grants in my time, so know of no encroachments.

[10] A large quantity of well grown Timber at Welbeck the Duke of Portlands. D^o. at Rufford Sir Geo. Saville's, Nottinghamshire. D^o. in Rockingham Forrest, all private property. About 200 Large Oaks by the side of Whittlewood, and between six & seven thousand Loads in Whittlewood & Salcey Forrests, Northamptonshire. A large quan-

tity of exceeding fine Oaks at Petworth the Earl of Egremonts, Sussex.

[11] The expence of Land and Water Carriage is in proportion to the distance and difficulty of the Roads, & has been from one to two Shillings $\frac{3}{4}$ Load $\frac{3}{4}$ mile Land Carriage.

[12] For further information on this very important Subject beg to refer you to a publication by the late Mr. Roger Fisher of Liverpool, Called Heart of Oak, where I flatter myself you will find much superior abilities to mine to inform you of the approaching scarcity, with persuasive modes for the improvement and growth of Timber &c^a.

ANSWERS BY MR. KETTLE, Purveyor of His
Majesty's Yards at Chatham & Sheerness

[1] As I never have been employed on any of His Majesty's Forrests the result of the Committee of the House of Commons in 1771 was never made known to me.

[2] Kent & Sussex are the chief Counties I am most acquainted with. I find there has been great care in training Young Timber, large Timber in those Counties is scarce.

[3] The Woods in the above Counties are [so] very extensive that Acorns fallen wild will always cause a supply when properly taken care of.

[4] I believe many of the Growers of Timber don't know the Act made in the Reign of King William, but have planted & raised Timber as it best suited their own convenience.

[5] As to Cattle they are kept out of Young Woods by strong fences, and where there is occasion for carting in those Woods, the Horses are muzzled to prevent their destroying the young Shoots; this is practiced in Kent & Sussex.

[6] As I observed before having never been concerned on any of His Maj^{ty}s. Forrests, cannot answer to this Query.

[7] A Gentleman on his own Estate when he is inclined to make a fall of Timber, takes down first the Dotard & defective Timber. I suppose it may be the same on the Forrests.

[8] ——— [not answered]

[9] ——— [not answered]

[10] Inland Counties I am not acquainted with in regard to Timber.

[11] Two of the greatest Timber Estates that come within my knowledge are R^t. Burgess's Esq^r. at Lye near Tunbridge in Kent, and Sir Armine Woodhouses at Kimberley in Norfolk 12 Miles from Norwich.

[12] [not answered]

ANSWERS BY M^r. HOLLIS, the Kings Purveyor in the New Forrest, Hampshire.

[1] [not answered]

[2] I believe the Forrest will answer its present demand to the Navy. As to the Timber in the County it is too much the fashion for Gentlemen to cut it before it comes to half its perfection; there is but little large Timber left in it.

[3] We finished inclosing & planting 1,000 Acres in 1774, and are now inclosing 1,000 Acres more, & I believe we are to continue till the whole 6,000 are inclosed, agreeable to the Act of Parliament of 9 & 10 of King William.

[4] [not answered]

[5] The Cattle don't do much damage. If there were no Red Deer we could make our Inclosures at a less expence; the other deer would not do much damage, if the Keepers men did not cut Bushes &c. for them.

[6] [not answered]

[7] The Dotard decayed Trees are almost gone. I find it very difficult to get sufficient to answer the inclosing, and the Tenants claims of fuel wood, which are great. The old plantations are now thinned to make the new ones, it would have been better if they had been done sooner.

[8] The number of Cottages are a great nuisance to the Forrest. I don't see any method to prevent it, as most of them have been inclosed so long as to become free land.

[9] Master Keepers Houses are hurtfull as they often get great Grants from the Forrest to repair and enlarge them.

[10] [not answered]

[11] [not answered]

[12] [not answered]

ANSWERS BY M^r. ANDREWS, Purveyor
in Dean Forrest, Gloucestershire.

[1] No steps have been taken, only two Enclosures made, & they not properly attended to, although there are two of the Keepers who have £10 a year added to their Salary. The Cattle frequently break into these Enclosures, and as the Inhabitants claim a right to the pasture, they often set fire to the Gos or Furze, & burn 10,000 young Oaks in one night.

[2] The Consumption by far exceeds the Growth.

[3] The Year before last there were some Acorns planted in a little patch of ground with intent to be transplanted about the Forrest, but [1] believe the Ground Mice destroyed them all, for I never heard they came to anything.³ The Timber Stealers will take care to clear the ground fast enough.

[4] [not answered]

[5] The Cattle do a world of mischief such as the Cow, the Colt, the Sheep, the Deer, & the Hogs the method to prevent it would be for the Lord Chief Justice in Eyre to go down to the Forrest, & hold the Swanimote Court, which has not been held this great N^o. of years, & there give every one warning to keep their Cattle out, & a strict charge to the Keepers to keep them out.

[6] The Question relative to the Surveyor General is not to be answered by me.

[7] There is no Dotard or Decaid Timber in the Forrest, for the oldest Oak Tree in the Forrest is not now more than 120 years old, for they were all put in by Oliver Cromwell.

[8] They all do certainly trespass & steal a great deal more Timber than we have got for the Navy. I know no method of prevention but to have a troop or two of Light Horse down to patroll the Forrest day & night, or to have an Act of Parliament made to oblige a man when Timber is found upon him, to tell how he came by it, and to proceed against him as the Law directs.

[9] With regard to encroachments, there are proper Officers to answer this Question.

[10-11] [not answered]

[12] I could say a great deal was I to be examined verbally; but don't care to commit any more to paper, not knowing whose hands it may fall into.

ANSWERS BY M^r. SLADE, Purveyor
of His Maj^{ty}. Yard at Deptford.

[1] I don't know any notice has been taken, or anything done in consequence of this Report, but I am of opinion there is not that care of the Royal Forrests as ought to be; they are all open to depredation, and although there may be inclosures yet if care is not taken to keep stock out, it will answer but little purpose. Private Estates are shamefully neglected, for in the course of my Journeys I seldom see any Nurseries for Timber. When the present is felled, and the roots not

grubbed, young shoots will succeed, but it is left to nature to protect, if it escapes the Cattle its well, if not, it perishes.

[2] The consumption must exceed the growth, notwithstanding thriving Timber increases very fast where the soil is kindly for it; and although the number of Trees is lessen'd, yet the size of those left standing increasing, the Quantity if measured in a few years would be found nearly equal. An instance in Dean Forrest some few years ago, on a Survey it was found to contain more than 80,000 Loads, and although many Trees have been felled, yet the remainder is supposed to contain nearly the same quantity.

[3] I have mentioned above the shamefull neglect of planting: Acorns would sow themselves; in particular in the County of Sussex, if a field is left fallow, it will be cover'd with young plants of Oak, which are destroyed as a weed. If a spot of ground is appropriated for a nursery of Oaks, it is undoubtedly protected by the Owner; but as fall wild always take their chance, and I believe the Act of Parliament you mentioned is hardly remembered, and consequently not regarded. I know in felling or cutting Underwood, they are obliged to leave 11 Tillers or young Oaks in every Acre: at least it is a custom.

[4] [not answered]

[5] Cattle is a great enemy to young plants, and so are sheep & Deer, Hogs will root up the Acorn before it appears above the ground; consequently unless these Creatures are kept out by a strong fence, well ditched without side, all the planting in the world will never answer any purpose.

[6] I believe formerly the Surveyor General had a Salary. Whether he has now I don't know; he has a certain Sum of so much $\frac{7}{9}$ Cent on the Sale of all Falls of Timber; how the top & bark are disposed of I am no judge, the under or Deputy Surveyors have Salaries & certain fees, but I am apt to believe the mischief does not arise from them, but from the many thefts by other people, who cut trees (not the worst) in the night, and carry them away before day; and I am afraid the Keepers connive too much at such depredation. I know not any means to prevent it, unless it was made death to the offender.

[7] If a tree is too bad for use, and has stood too long, it is left to rot on the Root, unless the ground is wanted for any other purpose, and they clear it of the pollard, which is consigned to the fire. All plantations should be cleared in about 14 years, as the trees are then able to bear the Weather; before that time they stand thick to nourish and protect each other: if they are left to stand too thick after that, they shoot up tall, but do not thrive nor grow in size.

[8] There are too many Cottages in the Forrest, and many incroachments, and I am of opinion the depredation & mischief proceed generally from such, who will never want firing, which is the reason many trees are shrouded and spoiled when growing: the only way to prevent this is to put the Laws in full force against them, & to demolish all the incroachments & Cottages. From them likewise proceed the destruction of plantations, as they keep Cattle, Hogs, & Sheep, which are suffered to range at large.

[9] This article of Noblemen & Gentlemen encroaching on the Grants made them is answered by the word Yes, but who can prevent it, as those who should protect are themselves to blame, and too powerful for insignificant people to contend with, or any remonstrance to have any effect.

[10] The great difficulty which has been I may say the impossibility till of late years of bringing Timber to hand from the inland parts of the Island is the reason there is some large Timber which in general is old & decayed. The many navigable Cuts which are made and continually making, will be a means of bringing such Timber to hand, which would otherwise have stood to the end of time, but at a great expence of carriage, perhaps from £3 to £2 a Load, as the distance may be from navigation. The Welch Counties at present produce great quantities of Timber, and the owner begins to know the value, and expects a good price for it. Their knowledge proceeds from publishing the Book of the examination of the Timber people & Board by the parliament, for every little petty Dealer has possession of one of them, and is of opinion he is as good a shipwright and Timber Merchant as those who have been engaged in it from the earliest time of Life and I am of opinion that from their ignorance many a fine tree has been ruined.

[11] It was the custom in those Inland Counties, for the Farmer to cut off the heads of all such Timber as grew in the Hedges round his field, to let the Sun in, which ruins the tree, and reduces it to a pollard, from the cutting of the Shock from the head every year he supplies himself with firing, and the tree never grows afterwards, or if they do not cut the head off, they do the limbs, which admits the Water, and rots the trees.

[12] Another thing which prevents the care of planting is this; after the tree is felled, there issues from the Root a number of Suckers and as they come to good underwood and fit to cut in 12 or 14 years, it brings ready money: the Oak being of a slow growth, a Man in his life time can very rarely reap any benefit from it, unless he comes to the Estate when Timber is nearly fit for felling.

DOCUMENT XXV

[*Extract*]

R^t. Gregson to Lord Shelburne, 30 April 1,777.
The Abuses in the Forrests and the Want of Timber.

The Abuses in the Forrests & the want of Timber.

These are old complaints, and will in the emphatical words of Sir Jn^o. Phillips on the want of Timber in some County (I think Glomergem) occasion this nation to cease being a maritime & commercial one.

The abuses in the Forrests are enormous. The allowing Fees to the Surveyor General & his Officers on all Timber cut down: The not planting Oaks, or clearing the Ground where the Acorns fall: The access of Cattle, the incroachments of Noblemen & Gentlemen who obtaining Grants to clear a few acres, make free with double or treble the N^o., The encroachments & plunder made by the Collieries & Cottages &c^a., all call aloud for redress, or in a few years, the Kings Forrests will be annihilated. Dean Forrest in Gloucestershire is going to wreck & ruin. The depredations made therein by the Collieries & country people are incredible: especially at the late Election. One of the Witnesses now in town on the Contested Election, told a Gentleman of my acquaintance that he met no less than 11 Teams of Horses loaded with large Timber stolen out of the Forrests by M^r. Berkeleys Tenants, & winked at by him, he being Lord Warden.

The Surveyor General & his Officers should have competent Salaries, & all Fees be abolished.

We are cut off from Supplies from America, an inexhaustible Country for Timber, & though not so good as our own, yet would be a good resource when our own is gone: we make use of a great deal of the Stettin Timber, which is much worse.

We shall lose our consequence with our Timber, & that the consumption & great falls now going on, are far beyond our growth is evident to all the World, particularly to our Purveyors who are best versed in those Matters, & whose opinions I have separately taken on this subject: they are unanimous in what I have advanced. M^r. Andrews the Purveyor in Dean Forrest told me some years ago that things were got to such a pass, he durst not speak his mind there, & even take notice of these depredations; if he had he would have been murdered: he further said that a Regiment of Soldiers would scarce effect a reformation.

DOCUMENT XXVI

(Copy)

CASE

Whether Fines of Leases
may be applied to Repairs
of Lodges &c. in the King's
Forests &c.

With the Opinion of the
Attorney & Solicitor Gen-
eral thereupon.

Case

Civil List
Act 1st. Ann

By the Civil List Act of the 1st. of Queen Ann, It is enacted that to the End that the Land Revenues of the Crown may be preserved, increased and improved to the best Advantage no Grant shall be made of any Manors Lands &c. belonging to the Crown unless for a Term not exceeding 31 years or 3 Lives, and unless the antient Rent or one third of the yearly Value of the Lands granted be reserved and unless such rent be made payable to her Majesty her Heirs or Successors. And it is declared that all Grants Gifts &c. of the said Revenues or Branches or any part thereof contrary to the Provisions of this Act, or any of them shall be null and void.

Civil List
Act 1st. G. 3^d.

By the Civil List Act made in the 1st. year of the reign of his present Majesty it is enacted & declared that the Produce of certain Duties and Revenues therein enumerated particularly the Revenue arising to his Majesty by Rents of Lands or for Fines of Leases for the same or any of them (except the Revenue of the Duchy of Cornwall) and all other Branches and Revenues which on the 24th. of Octo^r. 1760 stood settled or appointed to be towards the Support of the Household of his late Majesty King George the 2^d. and the Honour and Dignity of the Crown (during his said late Majesty's Life) except the monies which shall be necessary to defray such Expences as shall have been incurred in the collection & management of all the said Duties

Revenues &c. and also excepting as therein after in excepted shall from and immediately after the Demise of his said late Majesty be during his present Majesty's Life, carried to and made part of the aggregate Fund.

In lieu of these Duties Revenues &c. a certain clear yearly Sum of £ 800,000 is by the said Act directed to be paid out of the aggregate Fund for the Support of his Majestys Household.

And it is by the said Act further enacted "That nothing therein contained shall extend or be construed to extend in any wise to impair or effect any Rights or Powers of Control Management or Direction, which have been or may be exercised by authority of the Crown or other lawfull Warrant relative to any Leases Grants or assurances of any of the small Branches of his Majestys' Hereditary Revenue &c. or to Fines taken or to be taken or to any Rents Boons and Services reserved upon such Grants Leases and Assurances or to the Mitigation or remission of the same or to any other lawful Act Matter or thing which has been or may be done touching the said Branches but that the said Rights and Powers shall continue to be used exercised and enjoyed in as full free ample and effectual Manner to all Interests and Purposes as if this Act had not been made and as the same have been or might have been enjoyed since the making of the said Act of the 1st. year of her late Majesty Queen Ann subject nevertheless to all such Restrictions and Regulations as were enacted by the said Act to bind her Majesty her Heirs and Successors and with the Benefit of all such Clauses Savings and Provisoos as are contained in the said Act, it being the true intent and meaning of this Act that the said Rights and Powers shall not in any degree be abridged or restrained or affected in any manner whatsoever but only that the Monies arising from the full & free Exercise and Enjoyment of them so subject as afore-said, shall during his Majesty's Life be carried to and made part of the Aggregate Fund.

The Land Revenue of the Crown consists of two Branches.

- 1 Rents of the Demesne Lands and Quit Rents.
2. Fines of Leases of the Lands within the Survey of the Exchequer.

The Rents are collected and received by the Bailiffs or Receivers General of the Crown and accounted for to the Auditors of the Land Revenue. No part of those RENTS hath for many years

past been paid into the Exchequer, *but the whole has been charged by Debentures and intercepted in the hands of the Receivers.*

The Fines are set by the Surveyor General with the approbation of the Lords of the Treasury on the granting or renewal of Leases paid into the Exchequer by Tally struck and produced to the Officers of the Great Seal or Exchequer Seal before the Leases are permitted to be sealed.

But tho' the Rents and Fines are received and paid in different ways they are considered in the Several Civil List Acts as component Parts of the same Revenue and as together constituting the profits of Crown Lands and they are actually kept under one and the same Head of Accounts in the Exchequer, viz^t. Rents of Lands and Fines of Leases.

From the time of passing the Act of the 1st. of Queen Ann, but particularly in the late King's Reign the RENTS *appear to have been constantly applied towards defraying the Expenses of the necessary Repairs of antients Lodges, Bridges Fences & Highways in the Kings Forests Parks and Chaces.*

Considerable Expences of the like Nature and on the same Account have been incurred *in every year of His Majesty's Reign* since the present Civil List Act took place and the RENTS *of the Land Revenue have been since that Period* in the same manner as they were before *charged by Debentures in in (sic) the hands of the Receivers General and applied to such Services.*

These Rents do not now communibus annis exceed £ 4000.

The fines upon an average of 9 years amount to £ 6362,, 5,, 0. *when such occasional Expences have exceeded* the annual amounts of the Rents *the deficiency has been supplied* by Money arising *by Sales of Timber* cut down in the King's Forests &c. by order of the Lords of the Treasury under the Direction of the Surveyor General of the Woods.

But these warrants for cutting down Timber for such Purposes have of late been found very inconvenient and difficult to execute without defeating in a great degree the several Regulations which the Boards of Treasury & Admiralty have been forming with great Care and anxiety for some time past, and which are of the highest Importance to the Public Service for preserving a constant Supply of Timber in his Majesty's Forests, fit for the use of the Royal Navy, and the Lords of the Treasury are very

desirous of being delivered from the necessity of raising Money by such Means.

By the act of the 1st. of his present Majesty all the Branches of the late Civil List Revenues are carried to and made part of the aggregate Fund & a certain clear annual Sum of £ 800,000 is given to his Majesty in lieu thereof for the Support of his Household. But it is conceived notwithstanding some strong Expressions in this Law, that it must have been the Intention of the makers of it, that the aggregate Fund should take these Revenues subject to the same Charges and Burthens as they had been used and accustomed to stand liable to when in the Hands of the Crown.

The hereditary Duties of Customs and Excise are now as much as they were before, subject to all the Charges of management and it seems on the same Ground of Reason that the aggregate Fund takes the Land Revenues of the Crown Fines of Leases as well as Rents of Lands Subject to the antient and customary Charges of repairing Lodges &c. in the Kings Forests &c. tho' it does not appear by any Precedents that the Fines have as yet been so applied.

Your Opinion is therefore desired upon the following Point. Whether that part of the Land Revenue which arises by Fines of Leases may be applied to the Payment of such antient & customary charges; and is his Majesty, or are the Lords of the Treasury authorized to appoint a Receiver of these Fines, and afterwards to direct the application of them for repairs of Lodges &c. as above mentioned, or what method can be taken by the Crown or the Lords of the Treasury to procure such Application?

It is not easy to fix the particular sense of such loose Expressions, as those in the Act of 1 G. 3. C. 1. S. 9, 10. taken literally they give His Majesty the Power to dispose of all, applying the Overplus to the Aggregate Fund. And, considering the nature of the Subject, perhaps this is not too much too large a Description of the Power meant to be left in the King. *The act is industriously worded to prevent captious Questions upon those Small Subjects, which ought to be very much in the Royal Power. It seems intended to give his Majesty every Degree of Latitude in disposing short of making a meer free Gift, without any kind of Consideration:* Therefore we are of opinion that the application of the Fines in the manner proposed for maintaining the

buildings and other Conveniences upon the Royal Estates is within the Compass of the authority reserved over them.

This Opinion receives additional Countenance from the constant Practice of applying the Rents and timber in the same manner; for to this purpose, there seems to be no difference between the rents and other Proceeds. The Practice in the time of Geo. 1st. is most pertinent when the overplus (above £700,000) of the Produce of all the Funds settled for the support of His Majesty's Household including the hereditary Revenue was applied to the aggregate fund — and all Grants & Dispositions to be made of it by His Majesty were declared void. In that act no Power even of management and Controll were expressly reserved to the Crown, But the Nature of the Thing made the reservation. And as far as Expediency can influence this construction of the Statute it seems manifestly for the Interest of the Public to save the Consumption which must otherwise be made of the King's Timber for repairs.

E. THURLOW

AL. WEDDERBURN

14th. Janry 1772.

DOCUMENT XXVII

COPY PATENT

John S. John Esq^r.
Surveyor General.

GEORGE the third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth, To all to whom these presents shall come Greeting Know ye that We very much confiding in the fidelity industry and prudent circumspection of of (*sic*) Our Trusty and Welbeloved John St. John Esq^r. of Our especial care and of Our certain Knowledge & Meer Motion Have Given and granted And by these Presents Do Give and grant into the said John St. John the Office of Our Surveyor General of all and singular Our Honors, Castles, Lordships, Manors, Forests, Chaces, Parks, Messuages, Lands, Tenements, Woods, rents, Services, Revenues possessions and Hereditaments whatsoever within that part of Great Britain called England and the principality & Dominion of Wales as well within liberties as without, And him the said John St. John Our Surveyor General of all and

singular Our said Honors Castles Lordships Manors Forests Chaces Parks Messuages Lands Tenements Woods rents Services Revenues Possessions and Hereditaments whatsoever We do make Ordain and constitute by these presents in the room and place of Peter Burrell Esq^r. deceased To have hold enjoy and Exercise the aforesaid office to the said John St. John by himself or his sufficient Deputy or Deputies during Our pleasure together with all wages fees rewards Advantages & profits belonging and appertaining to the said Office as fully freely & entirely as the said Peter Burrell or any other person or persons exercising that Office heretofore hath or have had hold [held] or enjoyed the same. And further of Our more abundant especial care & of Our certain Knowledge and meer motion We have given and granted, And by these presents Do give and grant unto the said John St. John for the exercise and occupation of the said office a certain annuity or Annual fee of £800 to the said John St. John or his Assigns out of any Our Treasure at the Receipt of Our Exchequer at Westminster applicable to the uses of Our Civil Government by the hands of the Commiss^{rs}. of Our Treasury or of Our High Treasurer Under Treasurer and Chamberlains there to be paid in manner following (to wit) The first payment thereof to begin and be computed by the day by even and equal portions from the day of the date of these Our Letters patent and paid to the next ensuing quarterly day of payment, And from thenceforth quarterly at the four most usual days of payment in the year by even and equal portions during his continuance in in the said Office. And further We will & require by these presents. Do grant to said John St. John that if he should happen to die or be removed from the said Office after any of the aforesaid days of payment & before another of the same days of payment should incur then and in such case the aforesaid annuity or annual fee of £800 by the year shall be computed by the day proportionably & according to the rate of £800 by the year & shall be paid from the time of the last preceeding payment of the said fee or Salary of £800 ~~per~~ Ann. to the said John St. John his Ex'ors or Adm'ors for so many days as the said Office may have been exercised by the said John St. John We will also and by these presents Do grant that these Our Letters patent or the Inrollment thereof shall be from time to time to the Commiss^{rs}. of Our Treasury or Our High Treasurer & Chamberlains & all other, the Officers & Ministers of Our Exchequer aforesaid for the time being for the payment and Allowance of the aforesaid Annuity or annual fee of £800 by year in manner aforesaid a sufficient Warrant and discharge, We do also by these presents strictly charge and Com-

mand all and singular Mayors Sheriffs Auditors and Surveyors of Our Woods beyond and on this side Trent and all other particular Surveyors, Stewards Woodward Bayliffs provosts Constables Beedles Farmers and all other Our Officers and Ministers and liege people whatsoever that to the said John St John and his Deputy in the exercise of the office aforesaid they be from time to time obedient Aiding and assisting in all things as becomeeth, Provided nevertheless and we will that these Our Letters patent nor any thing in the same contained may be construed to the prejudice of the Officers of Surveyors of Our Woods beyond and on this side Trent or either of them Lastly We will and by these presents Do grant to the said John St. John that these Our Letters patent or the Inrollment thereof shall be in and by all things good, firm valid — sufficient and effectual in the Law notwithstanding, the not reciting any former Letters patent — concerning the office and premisses aforesaid or any of them heretofore made or granted by us or by any of Our predecessors or Ancestors late Kings or Queens of England or Great Britain or any other omission imperfection defect matter cause or thing whatsoever to be the contrary thereof in any wise notwithstanding In Witness whereof We have caused these Our Letters to be made Patent, Witness Ourselves at Westminster the 2^d. day of December in the 16th. year of Our Reign.

By Writ of privy Seal
WILMOT

DOCUMENT XXVIII

What proportion of the produce of Arable Land ought to be paid as Rent to the Landlord, and what proportion to the Farmer for His Industry?

— Answered by a Scotch Gentleman —

Of the many Volumes which have been produced upon the Subject of Husbandry, none of them throw any light upon the following curious Question proposed by the Edinburg Society some years ago, Viz^t. “what proportion of the produce of Arable Lands ought to be paid as “Rent to the Land Lord?” — how this seeming neglect has happen’d I know not; it could not however proceed from any absurdity in such an enquiry, for it must be confessed, that if solid Rules could be laid down for discovering the intrinseck value or Rents of the different kinds

of Arable Land, it would be a very usefull piece of knowledge: The Landlord then could no longer be ignorant what to demand; the Farmer no longer dubious what Rent he could afford to give, and the Community no longer liable to Suffer bewixt these two Jarring Intrests.

In arranging the principals upon which I have proceeded before I begin to my answer, I shall just mention two particulars which naturally fell under consideration, In the first place, Viz^t. the proper extent of an Arable Farm, and the duration of the Lease; As to the first of these, there being a just medium in all things, a Farm may either be of too large or too Small an extent; when limited to such a size as to afford the Tennant by a reasonable exertion of his industry, such a profit as will at the least maintain him & his Family comfortably, it may then be said to be confined within due bounds. To have this effect, I have concluded, that one plowland or Sixty Acres is too little, but that two plowlands or 120. Acres¹⁴ is not too much. If a Farm was of such an extent as to afford a Farmer much more than is due to the Rank he holds in Society, in so far he would be moved out of his Station, or not properly confined to it; Supposing he possessed twice the quantity of land necessary, he would not only take up the room, but if industrious enjoy the profits which ought to Support two families, which would tend too much to depopulate the Country, or, if he wanted Industry, he could probably content himself with exerting only such a share of it, as would support his Family & pay his Rent, by which means the Community would be defrauded; If on the contrary, it be supposed that a Farm was of such a Size as could not afford so much profit to the Farmer as is due to his Station, in this case, he would be unable from the Utmost exertion of his Industry to live & pay his Rent, but having the means of living in his own hands, he would naturally provide a Subsistance for his Family, in the first instance. The Consequence of this would be, that, in a little time, he would fall in Arrears to his Landlord, and be again from a deficiency of his Revenue to those with whom he had dealings, and thus a train would be laid not only to ruin many individuals, but also, in this instance, to injure the Community; extremes therefore, I think, ought to be avoided, but, as I said before, where mediocrity is observed, the Farmer then will be under the necessity of exerting a reasonable Share of his Industry, the Landlord will be obliged to require an equitable Rent for his Land, and the Community certain of being furnished with a just Supply of the Fruits of it.

As to the duration of Leases, I have made choice of 21 Years, for

¹⁴ The normal extent of the old Anglo-Saxon hide.

no better reason I own than because it is common in unimproved Countries; however, it would be worth Gentlemens while to consider if 21 Years is a proper length of Lease, hitherto, I imagine this short duration has not proved favorable to the necessary work of Improvement; otherwise, how is to be accounted for that so great a portion of Lands in Scotland still remain in the same poor State they were in some hundred Years ago; Were Leases granted for a certain term of Years specified and to terminate with a Life, perhaps a Method of this kind would give the Tennant some idea of property, which could not fail of being a Strong Incitement to Industry & good Management. In Countries fully improved the duration of Leases seems to be a matter of less Consequence, where the quantity of Land contained in every closs [Close?] is known.— Where the Land is in improved order, and the rules prescribed by the Lease of such a nature as to oblige the Tennant to keep up that order, every field will, as it were, receive the Stamp of a certain value & will comparatively pass as currently in the hands of Farmers for that value as a Crown piece does for five Shillings, so that in Countries brought to this State, perhaps 21 Years may be a reasonable length of Lease, But Land like Silver Ore, must be refined before it is brought to Standard pitch, and few Farmers will be perswaded to perform this operation at their own expense, if the time allowed for it affords them no better prospect than to have the dross for their pains. Having now said all I intend upon the two points of the extent of Farms & the duration of Leases, I shall now proceed to the question in hand, Viz^t. “ what proportion of the produce of Arable Land “ ought to be paid as Rent to the Landlord.

ANSWER

This is a question which admits of as many answers as there are variety of Soils fit for the culture of Corn, but when once it is known by experience what number of Bolls of the different kinds of Grains are produced yearly at a Medium upon any particular Farm, the Rent of that Farm may then be determined with some degree of certainty.— To accomodate my answers as well as I am able to the County of East-Lothian, I shall choose for an example a Farm consisting of 2 ploughs let upon a Lease of 21. Years containing 120. Acres of Land, divided into the following Breaks, Viz^t. 20. Acres Fallow, 20. Acres of Wheat, 20 Acres of Barley, 20 Acres of Peas, 20 Acres of Oats, & 20 Acres of Grass, and supposed to yeeld an increase of $5\frac{1}{2}$ Bolls p Acre overhead.

In order to proceed with regularity, I shall first consider the value

of the Farm Stock, and, that done, the several particulars wherewith the Farm is justly chargeable.

The Farm Stock may consist of as Follows, Viz^t.

| | |
|---|---------------|
| 10. horses, cost each 10 | £100. .— .— |
| 2 pairs of wheels furnished with two Closs & two long bodys together with apparel | 15. — — |
| Wheat . . . 15 Bolls at 14 ³ / ₄ Boll | 10. .10 |
| Barley . . . 20 d ^e . at 11/6 ¹ / ₂ | 11. .10. .10. |
| Peas . . . 25 d ^e . at 9/6 ¹ / ₂ | 11. .18. .7. |
| Oats . . . 25 d ^e . at 9/7 ¹ / ₂ | 12. — . 8. |
| Rye Grass . 10 d ^e . at 10/ | 5. — . — |
| Clover . . . 300 lb. at 1 | 5. — . — |

| | | | | | |
|----------------|---|--------------|---|---|-------------|
| 10. .but this | { | 46. . 0. . 1 | s | d | £115. .— .— |
| (carried over) | | | | | |

| | | | |
|----------------|---|-------------|------------|
| (brought over) | { | £46. .— . 1 | 115. .— .— |
|----------------|---|-------------|------------|

but this charge being incurred only every other Year, the annual expense will be

| | |
|----------|------------|
| 5. — . — | 51. — . 1. |
|----------|------------|

Petty utencils allowed to cost

| |
|-----------|
| 20. — . — |
|-----------|

Allowed for sundrys with which the Farmer must be provided 'till some advantage arise from the Farm

| |
|----------------|
| 33. .19. .11.. |
|----------------|

Farm stock may then amount

| |
|-------------|
| £220. .— .— |
|-------------|

Expence of Management—viz^t.

Wages of 4 plowmen & a Herd at 3. . each

| |
|------------|
| —15. — . — |
|------------|

Meal 2 pecks pr. week each is 32 ¹/₂ Bolls ³/₄ Annum

Cost 11/6 ³/₄ Boll

| |
|---------------|
| 18. .13. .9.. |
|---------------|

Kitchen 6^s ³/₄ week each

| |
|-----------|
| 6. .10. — |
|-----------|

40. . 3. . 9..

Horses, viz^t.

Corn 5 Bolls each ³/₄ ann^m, besides the light

Corn, is 50 Bolls at 9/7 ¹/₂

| |
|---------------|
| 24. . 1. .3.. |
|---------------|

Grass & Straw

| |
|---------------|
| 15. .18. .9.. |
|---------------|

40. — . —

Shearing 80. Acres at 5/ ³/₄ Acre

| |
|-----------|
| 20. — . — |
|-----------|

Management may then amount to

| |
|------------------|
| £100. . 3. .9 .. |
|------------------|

Sundry Articles with which the Farm is further chargeable, Viz^t.

Interest upon Stock being £200. . at 5 ³/₄ C^t.

| |
|-------------|
| £ 11. — . — |
|-------------|

Risque of deaths on . . . 100. . at 5 ³/₄ C

| |
|----------|
| 5. — . — |
|----------|

Allowed for Wear, Tare & Incidents

| |
|-----------|
| 15. — . — |
|-----------|

These articles may be computed at

| |
|-------------|
| £ 31. — . — |
|-------------|

These Articles of Charge being thus adjusted, I shall next consider to what value the produce of the Farm may amount; In doing whereof I have settled a division of 5 ¹/₂ Bolls ³/₄ Acre, in the manner I judge most consistant with Experience, and taken for my rule of valuation the medium rate of the Fiars [Friars] of Mid-Lothian from the Edinburgh Almanac for the term of Lease Being 21. years, that is from the Year 1734 to 1754. inclusive.

Produce of Farm computed as follows, viz^t.

| | |
|---|------------------|
| Wheat, 20. acres, at $8\frac{1}{2}$ Bolls $\frac{2}{3}$ Acre is 170 Bolls at 14/ 1 $\frac{2}{3}$ Boll. | £119. — . — |
| Barley, 20. d ^e . at $6\frac{1}{2}$ d ^e . . . 130. at $11/6\frac{1}{2}$ d ^e | 75. — . 5. |
| Oats, 20. d ^e . at 4 d ^e 80. at $9/7\frac{1}{2}$ d ^e | 38. 10. — |
| Pease, 20. d ^e . at $3/22$ d ^e . . . 60 at $9/6\frac{1}{2}$ d ^e | 28. 12. 6. |
| <div style="text-align: center;">440.</div> | |
| Hay, 20. d ^e . at 160. Stone $\frac{2}{3}$ Acre is 3200. Stone at 4 ^d . $\frac{2}{3}$ Stone | 53. . 6. 8. |
| Straw computed at $1\frac{1}{8}$ d ^d . for every Boll of Corn produced being 440. | |
| Bolls & amounts to | 36. 13. 4. |
| | £351. . 2. 11. . |
| Whence deduct for annual seed | 51. . 2. 11. . |
| Net produce of the Farm will then amt. to | 300. |

It is received, and I believe a just opinion which prevails amongst Farmers, that under any particular Scheme of Cropping Arable Lands, there will be found one Species of it, of which it will be reasonable the net produce should be divided into thirds, viz^t. that one third be allowed for Rent, that one third be allowed for expences of Management, and that the remaining third be allowed to the Farmer. Hence if the computations, I have made shall appear to be formed upon tolerable principles; the above Farm will be found to consist just of that quality of Land; For if the net produce be proportioned out into three equal shares, then

| | |
|--|--------------|
| The Rent will be $\frac{100}{120} = 83333 = 16/8$ or . . . | £ 100. — . — |
| The expense of Management will be | 100. — . — |
| And the Farmer will have for Wear, Tare, | |
| Incidents & Intrest as $\frac{2}{3}$ account | 31. — . — |
| and for premium or Maintenance | 69. — . — |
| | 100. — . — |
| | £ 300. — . — |

So that the expence of Management taken from the computed Account amounting to £100. 3. 9. being only $3/9^d$. more than when taken as one third of the produce of the Land, this difference will appear to be very inconsiderable, that, as I said before this Land may be apprehended to be just of that quality which admits of a division of its produce into three equal shares.

Having thus ascertained the Land Lords Rent from a Farm containing 120. Acres of Land occupied by two ploughs, and producing $5\frac{1}{2}$ Bolls $\frac{2}{3}$ Acre over head for the 80 Acres under corn to be £ 100 or $16/8$. $\frac{2}{3}$ Acre, I shall next proceed to shew what Rents will be adequate

to any other Farm of the same dimensions, but containing Land of better or worse quality, and this I shall do upon the following principles deduceable from the foregoing Scheme.

First, that of whatever quality of Ground any Farm in East Lothian consists the expence attending a Plough will be the same.

Secondly, that the value of the Farm Stock consequential to the Support of a Plough will be equal.

Thirdly, that the intrest upon that Stock and other allowances for Intrest, risque of deaths, and Incidents as p. Account, will also upon every Plough be equal.

And Fourthly that the Sum reasonably to be allowed for maintainance of Family, upon a Farm of two Ploughs, and producing $5\frac{1}{2}$ Bolls of Corn per Acre & upwards, be fixed to Sixty nine pounds per annum , a Rule, however that will by no means hold where the Land happens to be of averse quality & to run downwards from $5\frac{1}{2}$ Bolls per Acre .

Let it be demanded what Rent would be adequate to the above Farm, supposing it produced at the rate of $5\frac{1}{2}$ Bolls per Acre at a Medium.

| | |
|--|----------|
| Produce at $5\frac{1}{2}$ Bolls per acre is found to be | 300 |
| Add to make $5\frac{1}{2}$ d ^o $1/22^{\text{d}}$. part | 13,63636 |

313,63636.

| | |
|---------------------------------|-------|
| Deduct for management | 100.. |
| for Intrest, Risque &c. | 31.. |
| for Premium | 69.. |

100..

200..

Remains then for Rent 113,63636.

and $\frac{113.63636}{120} = 94,696 = 18^{\text{s}}..11^{\text{d}}..2704^{\text{d}} \text{ parts}$ per Acre answer required.¹⁵

And hence it being plain that £13,63636, becomes a common mean to be added to every advance in the produce of one Firlott, or, which amounts to the same thing 11363 &c. decimal parts of a pound Sterling upon every acre in the Farm, therefore the value of product, the

¹⁵ The superior letters to the right of the number 2704 seem to be ^d trts, but “d[ecimal] p[a]rts” fits the context perfectly. There should be a decimal point before the number 94,696.

Farmers premium, the Rent of the Farm, and the Rent £ Acre upon the different kinds of arable Land in East Lothian will stand as follows, when it rises in quality and to yeeld above $5\frac{1}{2}$ Bolls £ Acre.

| At $5\frac{1}{2}$ Bolls. | Value of product. | Premium | Rent of Farm. | Rent £ Acre. |
|--------------------------|-------------------|---------|---------------|-----------------------|
| $5\frac{3}{4}$ | 313,63636. | 69. | 113,63636. | 94,696. |
| 6. | 327,27272. | 69. | 127,27272. | 1,06,060. |
| $6\frac{1}{4}$ | 340,90909. | 69. | 140,09090. | 1,17,424. |
| $6\frac{1}{2}$ | 354,54545. | 69. | 154,54545. | 1,28,787. |
| $6\frac{3}{4}$ | 368,18181. | 69. | 168,18181. | 1,40,151. |
| 7. | 381,81818. | 69. | 181,81818. | 1,51,515. |
| $7\frac{1}{4}$ | 395,45454. | 69. | 195,45454. | 1,62,878. |
| $7\frac{1}{2}$ | 409,09090. | 69. | 209,09090. | 1,74,242. |

But, as I said before, when the Soil becomes more indifferent and to produce downwards from $5\frac{1}{2}$ Bolls £ Acre, there will be found to be a loss upon the produce of the Farm, for every Fall of one Furlot £ Acre the Sum of £13,63636, and as it seems but reasonable that said Loss should be divided proportionably between the Landlord & Tennant, since the expense of management & the Amount of Interest, Incidents &c^a. continue always the same, therefore the proportions will stand thus: As 169£ the amount of the Rent & premium at a produce of $5\frac{1}{2}$ Bolls p^r. Acre loses £13,63636. when the Land is supposed to produce only $5\frac{1}{4}$ Bolls £ Acre, so the Landlord's Rent being £100, will loose £ 8,06885.

and as 169£ the amount of the Rent & premium at $5\frac{1}{2}$ Bolls £ Acre loses £13,63636, when the Land produces only $5\frac{1}{4}$ Bolls £ Acre, So the Farmers premium being £69.. will loose 5,56751.
 13,63636.

And hence it being plain that 13,63636, will become a common mean to be deducted from the produce for every decrease of one firlot below $5\frac{1}{2}$ Bolls £ Acre, and also that £8,06885, for the Landlord's, and £5,56751 for the Tennants's share become common means wherewith the Rent and premium must be taxed for every such fall of one firlot £ Acre below $5\frac{1}{2}$ Bolls £ Acre, and thus the value of the Product, the Farmers premium, the Rent of the Farm, and the Rents £ Acre upon the different kinds of Land in East Lothian, producing less than $5\frac{1}{2}$ Bolls £ Acre will stand as follows, Viz^t.

| Bolls p Acre | Value of prod. | Premium. | Rent of Farm. | Rent p Acre. |
|--------------------------|----------------|--------------|---------------|-----------------------|
| $5\frac{1}{2}$ | 300 | 69 | 100 | ,83333. |
| $5\frac{1}{4}$ | 286,36364 | 63,43249 | 91,93115. | ,76609. |
| 5 | 272,72727 | 57,86498 | 83,86230. | ,69885. |
| $4\frac{3}{4}$ | 259,09092 | 52,29747 | 75,79345. | ,63161. |
| $4\frac{1}{2}$ | 245,45454 | 46,72996 | 67,72460 | ,56437 |
| $4\frac{1}{4}$ | 231,81820 | 41,16245 | 59,65575 | ,49713 |
| 4 | 218,18184 | 35,59494 | 51,58690 | ,42988 |
| $3\frac{3}{4}$ | 204,54545 | 30,02743 | 43,51805 | ,36264 |
| $3\frac{1}{2}$ | 190,90909 | 24,45992 | 35,44920 | ,29540 |
| $3\frac{1}{4}$ | 177,27272 | 18,89241 | 27,38035 | ,22816 |
| 3 | 163,63636 | 13,32490 | 19,31150 | ,16092 |

It must however be observed that all these calculations are made upon a Supposition that proportionable quantities of the four grains are produced, and as Ground yeelding under four Bolls p. acre may be thought unfit for a regular Rotation of Wheat, on that account, perhaps the rent of such land may be somewhat reduced, or, at least, some more beneficial scheme of cropping adopted.

Follows a Table showing the proportional Crops which ought to be produced upon the different kinds of arable Land in the Lothians, or where else the land will bear cropping according to the Rotation laid down in the foregoing Plan, and where, at the same time, the expense of management etc., amounts to the same as estimated in said plan, and the Farm supposed to contain 120. Acres of Land.

| Bolls of Acre | Wheat of Corn difference | Barley of Acre difference. | Pease of Acre difference. | Oats of Acre difference. | Grass on Farm in Stones difference. | Value of Grass on farm difference | Stone of Grass of acre difference | Value of hay of acre difference |
|---------------------|-----------------------------------|-------------------------------------|------------------------------------|-----------------------------------|---|---|--|--|
| | 3863636 | 295454 &c. | 136363 &c. | 181818 &c. | 145,54545 Stone | 2 £, 42424. | 7, 272727 &c. | 121212 &c. |
| 7½. | 11,59090. | 8,86363. | 4,09090. | 5,45454. | 4363,63632. | £72,72725. | 218,18176. | £3,63634. |
| 7¼. | 11,20445. | 8,56818. | 3,95454. | 5,27272. | 4218,18178. | 70,30301. | 210,90904. | 3,51513. |
| 7. | 10,81818. | 8,27272. | 3,68118. | 5,09090. | 4072,72724. | 67,87877. | 203,63632. | 3,39392. |
| 6¾. | 10,43181. | 7,97727. | 3,68181. | 4,90909. | 3927,27270. | 65,45453. | 196,36360. | 3,27271. |
| 6½. | 10,04545. | 7,68181. | 3,54545. | 4,72727. | 3878,81816. | 63,03029. | 189,09088. | 3,15150. |
| 6¼. | 9,65909. | 7,38636. | 3,40909. | 4,54545. | 3636,36362. | 60,06065. | 181,81816. | 3,03029. |
| 6. | 9,27272. | 7,09090. | 3,27272. | 4,36363. | 3490,90909. | 58,18181. | 174,54544. | 2,90908. |
| 5¾. | 8,88636. | 6,79545. | 3,13636. | 4,18181. | 3345,45454. | 55,75757. | 167,27272. | 2,78787. |
| 5½. | 8,5 | 6,5 | 3, | 4, | 3200, | 53,33333. | 160, | 2,66666. |
| 5¼. | 8,11363. | 6,20454. | 2,86363. | 3,81818. | 3054,54556. | 50,90909. | 152,72728. | 2,54545. |
| 5. | 7,72727. | 5,90909. | 2,72727. | 3,63636. | 2909,09102. | 48,48485. | 145,45456. | 2,42424. |
| 4¾. | 7,34090. | 5,61363. | 2,59090. | 3,45454. | 2763,63648. | 46,06061. | 138,18184. | 2,30303. |
| 4½. | 6,95454. | 5,31818. | 2,45454. | 3,27272. | 2618,18194. | 43,03637. | 130,90912. | 2,18182. |
| 4¼. | 6,56812. | 5,02272. | 2,31818. | 3,09090. | 2472,72740. | 41,21213. | 123,63640. | 2,06061. |
| 4. | 6,18181. | 4,72727. | 2,18181. | 2,90909. | 2327,27286. | 38,78789. | 116,36368. | 1,93940. |
| 3¾. | 5,79545. | 4,43181. | 2,04545. | 2,72727. | 2181,81832. | 36,36365. | 109,09096. | 1,81819. |
| 3½. | 5,40909. | 4,13639. | 1,90909. | 2,54545. | 2036,36378. | 33,93941. | 101,81824. | 1,69098. |
| 3¼. | 5,02273. | 3,84091. | 1,72723. | 2,36364. | 1890,90924. | 31,57517. | 94,54552. | 1,57577. |
| 3. | 4,63637. | 3,54546. | 1,63637. | 2,18183. | 1745,45470. | 29,09093. | 87,27290. | 1,45456. |

| Bolls of Acre. | Produce of Farm 120. Acres. difference, | Expenses of Management. | Intrest upon Stock, Incidents &c. ^a . | Farmers Premium. diff ^{ce} below 5½ Bolls | Rent diff ^{ce} above 5½ Bolls £13,63636. below 5½ Bolls | Rent of Farm of Acre difference Above 5½ Bolls ,113636 &c. difference below 5½ Bolls |
|----------------------|---|-------------------------------|---|--|---|---|
| | 13,636363 | | | 5,56751. | £8,06885. | ,067241 |
| 7½ | 409,09090. | | | £69,..... | 209,09090. | £1,74242. |
| 7¼ | 395,45454. | | | 69,..... | 195,45454. | 1,62878. |
| 7 | 381,81818. | | | 69,..... | 181,81818. | 1,51515. |
| 6¾ | 368,18181. | | | 69,..... | 168,18181. | 1,40151. |
| 6½ | 354,54545. | | | 69,..... | 154,54545. | 1,28787. |
| 6¼ | 340,90909. | | | 69,..... | 140,90909. | 1,17424. |
| 6 | 327,27272. | | | 69,..... | 127,27272. | 1,06060. |
| 5¾ | 313,63636. | | | 69,..... | 113,63636. | ,94696. |
| 5½ | 300,..... | | | 69,..... | 100,..... | ,83333. |
| 5¼ | 286,36364. | | £31,..... | 63,43249. | 91,93115. | ,76609. |
| 5 | 272,72727. | | | 57,86498. | 83,86230. | ,69885. |
| 4¾ | 259,09092. | | | 52,29747. | 75,79345. | ,63161. |
| 4½ | 245,45454. | | | 46,72996. | 67,72460. | ,56437. |
| 4¼ | 231,81820. | | | 41,16245. | 59,65575. | ,49713. |
| 4 | 218,18184. | | | 35,59494. | 51,58690. | ,42988. |
| 3¾ | 204,54546. | | | 30,02743. | 43,51805. | ,36264. |
| 3½ | 190,90912. | | | 24,45992. | 35,44920. | ,29540. |
| 3¼ | 177,27276. | | | 18,89241. | 27,38035. | ,22816. |
| 3 | 163,63637. | | | 13,32490. | 19,31150. | ,16092. |
| | | | | | | £ s. d. trts. |
| | | | | | | 1..14..10, 1808. |
| | | | | | | 1..12.. 6, 9072 |
| | | | | | | 1..10.. 3, 6360 |
| | | | | | | 1.. 8.. 0, 3624 |
| | | | | | | 1.. 5.. 9, 0888 |
| | | | | | | 1.. 3.. 5, 8176 |
| | | | | | | 1.. 1.. 2, 5440 |
| | | | | | | ..18..11, 2704 |
| | | | | | | ..16.. 8, |
| | | | | | | ..15.. 3, 8616 |
| | | | | | | ..13..11, 7240 |
| | | | | | | ..12.. 7, 5860 |
| | | | | | | ..11.. 3, 4488 |
| | | | | | | .. 9..11, 3113 |
| | | | | | | .. 8.. 7, 1736 |
| | | | | | | .. 7.. 3, 0360 |
| | | | | | | .. 5..10, 8984 |
| | | | | | | .. 4.. 6, 7752. |
| | | | | | | .. 3.. 2, 6208. |

REMARKS.

According to the above Scheme, it may be observ'd and is computed that Land yeelding at the rate of $5\frac{1}{2}$ Bolls per Acre is the mean or that Species which only can admit of a division of its produce into three equal Shares, in East Lothian &c^a., and as the extreme fit for culture on one hand appears to be 3 Bolls per Acre , so I am inclinable to think the extreme on the other will go but little beyond $7\frac{1}{2}$ Bolls per Acre and it may be doubted if any arable Farm in Scotland will afford much more, even in the vicinity of Towns where dung abounds.

It may be also observed that the foregoing Calculations run upon Farms occupied by two Ploughs affording a tolerable ample subsistance to the Farmers of every Class till We get down to some of the lowest, Now if We suppose a Farmer to take a proportionable quantity of Ground more to set up a third plough, and to restrict himself to his first maintenance upon two, in this case where the Living is fixed to £69.. per annum , an extra gain of £34..10 s.. will accrue by the odd plough, It must therefore appear to be for the mutual Intrest of both parties concern'd that these Thirty four pounds ten shillings be divided, and if that be done equally, it will afford the Farmer an annual profit of £17..5 s.. and an advance Rent to the Landlord of the like Sum, For where a Tennant has two Ploughs 120. Acres of Land producing $5\frac{1}{2}$ Bolls per Acre for the 80. Acres under Corn, the Rent it affords is found to be £ 16..8 d

Where a Tennant has three Ploughs 180. Acres producing $5\frac{1}{2}$ Bolls per Acre , the Rent it affords will be, 16..8 $\frac{17\ 2\ 5}{18\ 0}$ equal to a Rent of per Acre nearly 18..6.

Where a Tennant has four Ploughs 240 Acres producing $5\frac{1}{2}$ Bolls per Acre , the Rent it affords will be 16..8 $\frac{34\ 1\ 5}{2\ 4\ 0}$ equal to Rent of per Acre 19..6.

And so on, But as a Farm of three or four Ploughs affords a field, perhaps, more than sufficient for exercising the Skill, abilities & industry of most Tennants they ought to be indulged in extraordinary bounds only as they excell in those qualifications.

By some it may be thought an unreasonable proportion to lessen the Farmers premium upon poor Lands, since their Stock must be as valuable as those upon more fertile Lands, Their Labour more critical and their Crops more liable to injury from unfavourable Seasons; I confess, at first view, it has this appearance, but yet upon enquiry it

will be found to consist with strict Justice and equity. Let us suppose two neighboring Parishes of equal dimensions, but differing so much in point of Fertility, that the one produces at the rate of $5\frac{1}{2}$ Bolls of Corn per Acre, and the other only 4. Bolls per Acre; Here it is evident that the former will subsist $\frac{3}{11}$ parts more inhabitants than the other, or, which amounts to the same thing 120. Acres, producing $5\frac{1}{2}$ Bolls per acre will maintain the same number of Inhabitants as 165 acres producing but 4 Bolls per Acre: Hence the greater labour bestowed upon the larger being productive only of the same quantity of grain as the smaller labour bestowed upon the lesser Field, These two Fields with respect to Community must necessarily be of equal value and will be found exactly to correspond when the two Crops are carried to Market; There it will be in vain for the poor Land Farmer to claim a higher price for his grain than his neighbor, to plead that it cost him more would prove unprevailing argument with a purchaser, and it is by this Market Sale that the value of this Labour and Industry must be determined.

The situation of the Farmer who possesses the less bountiful Land may comparatively speaking, be unfortunate, but in justice he can require no more for his labour than it is worth intrinsically. With equal propriety may a person who works hard with the Spade or flail insist upon the same wages as one whose business is attended with less bodily fatigue, but more use & benefit to Society; It has been urged that it is equally unreasonable to suppose that a Farmer should content himself with less profit than his Neighbor, because the Ground he cultivates is worse, as that a Ditcher should have smaller wages for making a Fence upon a barren moor than a fruitful valley, but as there is no similitude between these two cases, the inference drawn from the Comparison cannot be conclusive. The wages of those who profess the lower occupations of Life are calculated to afford them a daily subsistence proportioned to their Stations, which they must earn to enable them to work at all. The Profits of a Farmer is a very different thing: The Farmer must be considered as a Person who deals in Corn, and if his Neighbor, who deals in the same commodity, has an Opportunity of procuring it at cheaper rate, his business will consequently be more gainfull, both, however, may enjoy profits sufficiently encouraging for them to carry on the same traffick, and yet the business of the one be more lucrative than that of the other, and hence it is that the Farmer who occupies 120. Acres of Land producing $5\frac{1}{2}$ Bolls per Acre is as justly intitled to a premium of Sixty nine Pounds per annum, as another occupy-

ing 120. Acres producing only 4 Bolls $\frac{2}{3}$ Acre, is Intitled to the premium of Thirtyfive Pounds 11/10 as computed.

But besides the Justice of these various allotments, there are also arguments to shew the expediency of them; When I say that more than $\frac{2}{3}$ parts of the arable Lands in Scotland, does not produce an encrease of 4. Bolls of Corn $\frac{2}{3}$ Acre, I believe, I am within reality; If this fact be admitted and yet the premium of £69. be insisted upon as due to Farmers who possess this Species of Land the question I would ask, is, what would be the consequence of such indulgences, it is already proved that Land yeelding an encrease of 4 Bolls of Corn p. Acre raises a produce to the value of pounds Sterling 218. .1818 &c. now by fair calculation it will be found (supposing Farmers who possessed this species of Land were intitled to the Premium of Sixty nine Pounds p. annum upon a Farm consisting of 120. Acres) that the Landlord's Rent would not exceed £18. .31816 &c. instead of £51. .58690, according to the foregoing Plan a Rent, which I imagine every Proprietor of Land would think too small a proportion of £218. .1818. produced, rather than submit to take such a share, his own Intrest would naturally lead him to convert his Lands into pasture, which would not fail to afford him an encreased Rent, and yet at the same time be attended with a real loss to the Community, unless it can be shewn that these Lands when in Pasture would raise a produce to the same value as when in culture, and which is found to be as observed before £218. .1818 &c. For example suppose this 120 Acres of Land converted into pasture and to let for a Rent of 15 shillings p. acre, and suppose further that the Person who takes it to make 10 sh. $\frac{2}{3}$ acre profit, Yet at this high computation, the whole produced to the Community would amount to no more than £150, when in Pasture, instead of £218. .1818 &c. when in Culture, and therefore would occasion a Loss of above 69£.

Besides this change of management, three fourths parts of Our arable Land might be thrown out of Culture, and then Our Crops often too scanty would be greatly reduced in point of quantity and occasion an extraordinary drain of Cash to supply the deficiency; To this it may be readily enough answered that the Cattle bred upon these converted Lands would abundantly supply this differency, but as I have neither Skill nor experiency enough to understand how such an assertion can be made appear, I shall leave that undertaking to those who maintain that opinion, and, I take it, the proof necessary to be given is that 120. Acres of Land producing 4 Bolls $\frac{2}{3}$ Acre, amounting in value to £218. .1818, annually, when under culture of Corn, will when converted

into pasture produce the same. But, even supposing this proof required should be incontestably established, which appears to be a matter of great doubt, yet a Solution of the following Queries seems material — Viz^t., Whether it be more eligible for the Community to raise a Superfluity of one commodity, with a view of Supplying the defect of another, or whether more prudent in the same Community to encourage the production of both as far as possible in order to prevent, or at least greatly to restrict the necessity of seeking Relief from others for either.

By those to whom my arguments for lessening the Farmers premium upon poor Lands may be convincing, Yet, from parity of reason, they may be apt to think I have dealt hardly in not allowing Farmers an encrease of their Premiums when it happens that they possess lands which carry their produce beyond 5½ Bolls p. Acre, Since experience shews that all the World over, the richest Countries and the most fertile Lands allways maintain the Inhabitants in the greatest Plenty and fullness. This must be admitted to be an undeniable fact, but it is not the Landlord and Tennants alone who compose the number of inhabitants in any Country, these are only a small part, The material consideration in the present question is, Whether a Farmer who possesses 120. Acres of arable Lands any where in Scotland, affording him a clear proffit of £69 4s annum besides £11.. more of Interest upon the value of his Stock, in all £80.. 4s annum, is, or is not, amply provided by his Landlord with a comfortable Subsistance for him and his Family, If he is, it matters not to the Community or the rest of the Inhabitants, what proportion of the product of Land is dispenced amongst them by the Landlord, and what by the Farmer: They are ever certain of the whole, or, at least as much of it as they have occasion for; — After all, Gentlemen may have different apprehensions of this matter, but I have thought it right to explain myself as I have done, in order to shew upon what principles I have Proceeded.

THE SHERIFFS

To the Right Honorable William
 Earl of Shelburne, first Commissioner
 of his Majesty's Treasury, and one of his
 Majesty's most Honorable Privy Coun-
 cillors.

In Obedience to your Lordship's
 Commands, I have engaged to do,
 and have endeavoured in the following
 Sheet to State the Origin of the
 Office of Sheriff, his Authorities, and
 Duties so far as they relate to the
 King's Revenues; and to explain the
 Nature of the several Branches of
 those Revenues in the Collection of the
 Sheriffs of England and Wales, (the
 County of Durham only excepted). I
 have also shown the Amount of each
 Branch for the Year ending at
 Michaelmas 1780. being the last Year
 for which the Accounts have been
 perfected in the Exchequer; The manner
 of giving those Revenues in Charge to
 the

DOCUMENT XXIX

REPORT concerning the
Revenues of the Crown in the
Collection of Sherriffs in England
and Wales, and the Manner of
their Accounting in the Exchequer

WITH
Plans for the Increase of those
Revenues, and Retrenchment
of the present Expences of
accounting for them.

Feb^y. 15th. 1783.

[By F. RUSSELL]

To the Right Honorable William Earl of Shelburne, first Commissioner of his Majesty's Treasury, and one of his Majesty's most Honorable Privy Council

In Obedience to your Lordships Commands, I have inquired into, and have endeavored in the following Sheets to State the Origin of the Office of Sherriff, His Authorities, and Duties so far as they relate to the King's Revenue's; and to explain the Nature of the several Branches of those Revenues in the Collection of the Sherriffs of England and Wales, (the County of Durham only excepted). I have also shewn the Amount of each Branch for the Year ending at Michaelmas¹ 1780. being the last Year for which the Accounts have been perfected in the Exchequer; The manner of giving those Revenues in Charge to be Collected; The Causes of the Casual Revenue having become inconsiderable and the Expediency of, not to say Necessity for, putting those Revenues, into a mode of Collection more likely to be productive, & for Retrenching the Expences attending them.

¹ September 29, the date at which the sheriff's accounts were finally rendered each year.

I have also stated under distinct Heads, as Minutely as the Materials I have been able to Collect will admit, by what means, and in what Services, the Expences annually paid or allowed by the Crown to Sheriffs have been incurred; and the amount of each Head of such Expenditure for the year 1780. To give your Lordship a more perfect Insight into the several Formalities observed in giving in Charge and accounting for these Casual Revenues, according to the ancient Course of the Exchequer, and still adhered to, (altho' the original Causes for those Formalities, as well as their good Effects, have long since ceased) ² I have been more prolix, than the Subject may on a first view seem to Merit, but as I consider, and as your Lordship will I am persuaded, on the Perusal find, the Sole Pretence for any Account to be passed by Sheriffs, is for the due answering of the Casual Revenue; and as on the due Collection of that Revenue (however inconsiderable when compared with the Public Supplies) greatly depends the Execution of the Laws, and the Support of Civil, and in many Cases of Criminal Jurisdiction and the Dignity & authority of Courts of Justice, and as the Ancient Mode of Collecting & answering those Casualties is so intricate, expensive, & inadequate, as to have long called for the Interposition of the Legislature, I thought it my Duty to be very particular on those Heads.

The first part, divided into Sections, with the Appendix relates wholly to the English Counties, excepting the three Counties Palatine.

The Second Part which follows the Appendix is confined to the three Counties Palatine.

The third part concerns the Casual Fines received by the King's Coroner in the Court of King's Bench, and

The fourth and last part contains the accounts of the Sheriffs for the 12 Counties in Wales.

In the Appendix subjoined to the first part, will be found an abstract of the Accounts of all the English Sheriffs, (Excepting of the Counties Palatine) incorporated into one Intire Account, wherein is stated the amount of each respective Branch, both of Receipts and Payments; The Totals of those Abstracts shew at one View, to what Amount the Crown was benefitted, or damaged, from this Revenue, in the Aggregate for that year — At the

² A typical example of English conservatism.

same time the State of the Account of any particular Sherriff may be collected from it with Ease and Precision.

The Appendix also contains Accounts of Great Arrears due for Rents — A List of Creation Fees to the Nobility, and Salaries received at the Hands of the Sherriffs out of their Collections — Also a List of Claimants by Grants, & Charters, allowed by the Court of Exchequer of Post Fines,³ or other Casual Profits within their respective Liberties — And a List of the several Officers of the Exchequer who participate in Fees allowed by Government for Issuing Processes to Sheriffs, and preparing and passing their Accounts.

Not doubting but your Lordship, upon serious Reflection, will think these Matters highly necessary to be reformed, I have ventured to suggest with great deference and Submission to your Lordship's better Judgment, the best Plans I have been able for that Purpose. — The Objects proposed by those Plans are, to lop off the whole of that Branch of Expenditure incident to Sherriff's accounts, by making no Account whatever necessary — To bring into the Exchequer exact & frequent Returns of all Casual Fines & Forfeitures. — To enable the Sherriff to levy them by a Single Process, framed upon * Constitutional Principles. To Compel the due Execution of that Process for the Advancement of Public Justice; To limit the time for the Imprisonment of the Debtors, who are unable to pay the Forfeits. To provide for the better relief, at a small limited Expence, of such Persons as may happen to be Estreated⁵ by Mistake or Inadvertency, and finally for restoring to its Original design that (only usefull) Formality, of apposing or calling every Sherriff to an account upon his Oath; before the Barons sitting in Judgment, for every Estreated Debt sent in Process to be levied.

Amongst other Benefits which will obviously result from a Reform of this kind, the Introduction of Simplicity, perspicuity, Dispatch and Oeconomy in the Place of the Present, intricate, Obscure, dilatory and expencive Mode of Accounting, and the Retrenchment of a few thousands per Annum on the one hand,

³ A payment in collusive suits, known as final concords, paid at a later stage than primer fines. King's silver is a synonymous term for post fines; see *infra*, Section IV, p. 178.

⁴ This is from cap. 9, though not exactly quoted.

⁵ Fined under an estreat or extract of the records of a court of law and sent to the Exchequer for prosecution.

* By Magna Charter the Body is not lyable unless the Goods & Lands are insufficient, nor Lands if Goods are Sufficient, to pay the King's Debts.⁴

and a sure addition of at least a few thousands more to the Public Revenue, in the Actual furtherance of Justice on the other, are of themselves objects well worthy Public Attention.

That a Reform of this Nature, was thought necessary in the last Century by one of the most learned, able and exemplary Men, that ever Graced the Bench of Justices will appear by a Chapter contained in a Manuscript Work (never yet but intended shortly to be published⁶)† of the late Lord Chief Justice Sir Matthew Hale, who from his *previous Station at the head of the Court of Exchequer, whereof he was for some years Chief Baron, had the best means, and as appears by this & other of his works, had made it a Principal part of his Study to acquire a full knowledge of whatever related to that Court and its Officers; and who as the result of his knowledge and Judgement on the Subject before us, has there given us his Opinion without disguise. I have inserted a Copy of the Chapter alluded to, in the Appendix for your Lordship's Perusal — If this Reform was thought necessary in his time, when no Complaint of Negligence in the Sheriffs in the due Execution of their Offices, appears to have existed, and when the Crown was put to no Expence in the Support of this Empty piece of Formality (as it is justly stiled by his Lordship) how much more do those Circumstances Contribute to the Prosperity of it now?

Should your Lordship's Sentiments coincide with those of that learned Lord, and any Plan, like what I have the Honor to Suggest, take Place, several of the Principal Officers and of Course their Numerous Subordinates, will by its Operation be virtually Suppressed, because their Duties will wholly cease, as will also no inconsiderable Part of the Duties of several others. — Many of the Subordinates are considered not only as having a Freehold in their Offices, but intitled by Ancient and invariable usage, to a Right of Advancement therein to higher Offices in Gradual Succession. They have also by express Act of Parliament, Fees to a considerable Amount annexed to their Places, which by the alteration proposed they will eventually lose; most of these Subordinates have been supported from their Infancies by the Emoluments of their respective Offices, and are by long Habit rendered unfit for new Studies or Pursuits. — Should your Lord-

† By M^r. Hargrave with whose permission this Copy from Lord Hale is inserted in the appendix.

* He was many years Chief Baron before he became Chief Justice.

⁶ A "Short Treatise on Sheriff's Accounts," by Sir Matthew Hale, was published in 1716.

ship, as you most probably will, think them intitled to reasonable Compensations for their Losses, I should Conceive, that those Compensations may with great propriety be charged upon the annual Fund of £4,000, Established by Act of 3^d. George the 1st. for the Payment of Fees for preparing the Sheriffs Processes and Accounts, after Providing thereout for the future Expences incidental to the Execution of the New Plan; and I have no doubt, but the Fund will be amply sufficient for both Purposes; and by Degrees as those Officers drop off, their annuities will of course cease.

I am
with the greatest Respect
My Lord, your Lordships most
faithful, humble servant

F. RUSSELL
13th. Feb^y. 1783.

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SECTION 1st.

Concerning the Origin & Antiquity of the Office of Sheriffs, and herein of Earls and Aldermen.

Soon after the Commencement of the Heptarchy ⁷ in this Island, so much of each part of the Country, as was Consigned to the Government of a King's Minister or Officer called an Ealderman or Alderman in Latin was expressed by Comitatus.⁸—Comitatus, and Shire had sometimes the same Limits—Shire in Anglo-Saxon signified only a distinct or regional part; and Comitatus sometimes comprized many Shires, as the Comitatus of York, and Lancaster do to this day, Alderman and

⁷ Now thought to be too definite a designation for the early group of tribal kingdoms in Anglo-Saxon England.

⁸ But probably not till after the Norman Conquest.

Earl were originally Sinonimous, & both rendered in Latin by Comes.

By Degrees the Principal Merchants and Tradesmen of Cities and Burghs got Charters, or as they were then called Privileges, to choose their own Governors, both for the Administration of Justice, and keeping of the King's Peace (which latter is now called Police) and acquired with this New Authority the Name & Insignia of Alderman within their City, or Burgh, and in time appropriated that Title or Term to themselves.—The word Alderman being thus communicated to Persons deemed Ignoble, the Governor of a Comitatus obtained the new Name of Heah Gereta, in our present Language, High-Shire-Reeve. He was chosen from amongst the Highest Ranks of Men, was stiled Princeps, & was to all Intents and Purposes the King's Viceroy within his County—He mustered the County Militia, and let [led?] them against the Enemy, when the County was invaded or threatned, whether the King was absent or present, and he presided in the Courts as well of Civil, as Criminal Jurisdiction for his County.

This was the Office and Character of the High-Shire-Reeve to the time of the Conquest. After which the King assuming to himself the more immediate Government of the several Provinces of his Realm, and opening his own Courts to the appeals and Complaints of his Subjects at large, the Power and Dignity of the High-Shire-Reeve suffered diminution, and this once dignified Title, was expressed by English Historians, who lived under the first Anglo-Norman Kings by the humble Substitutive Term of Vice-Comes, which in Latin hath been the Name of the High-Sheriff to the present time, and implied, that the Office of High-Gereta was become vested, either in the King himself or some great Earl—The latter was the Case in such Counties as by way of Distinction, from Counties under the Kings immediate Government, were about the time of Henry the Third stiled Palatine, in which the Earl appointed his own Shire-Reeve, or Viscount.—But in times immediately after the Conquest, and for some Centuries afterwards, the Office of Vice-Comes under the King, was filled with Persons of the highest Rank; and it was not unfrequent for them to hold for Life,⁹ as may be seen from Willis's Lists of Sheriffs in his *Notitia Parliamentaria*, and from other old Historians.

⁹ Cumberland is the most continuous instance. There the office was once held by a woman.

SECTION 2^d.

Concerning the Revenues of the Crown at large in the Collection of Sheriffs' and their decline in Modern Times.

Tho' the Sheriff, as before is shewn, did not after the Conquest retain all his former Authorities, he yet continued the King's High Bailiff & Chief Collector of his Revenue, both ordinary in time of Peace, and extraordinary in Times of Foreign War or Civil Comotion; and his Jurisdiction in his County Courts Civil and Criminal remained the same; and by Fines and Mulcts imposed in those Courts, a very considerable Revenue arose to the Sovereign. By the Alienation of the Landed Property of the Crown, the Abolition of feudal Tenures, & Excise of Bread and Beer; By Amendments to old, and Introduction of New Laws, Impowering Justices of the Peace to inquire into and inflict Punishments, either by Trial in their Quarter Sessions, or out of Court in a Summary way, for Offences which had used to be inquired off [of] and presented at the Sheriffs Court; and by the opening of the Superior Law Courts at Westminster for the Recovery of Debts and Damages, and by the Statutes from time to time passed, to regulate the Practice & Simplify the Pleadings in those Courts, which occasioned those of the Sheriffs to be by Degrees deserted; the Revenue Collected by Sheriffs have in Modern times, and particularly within the present Reign, produced a very small Income; insomuch that for the year 1780 being the last year, for which the Sheriffs Accounts have been completed, the Proficua Comitatum for all the Counties in England were insufficient to defray the ordinary Charges of suing out the Sheriffs Patents, & passing their accounts; as will appear by the Abstract of those Accounts, contained in the Appendix hereto Subjoined.

The Revenues now Collected by Sheriffs, as well of Counties, as of Cities and Towns, answered upon their Apposals in the Exchequer, are as follows.

- 1st. Viscontiel Rents
- 2^d. Rents of Estates by Seizures
- 3^d. The Issues of Greenwax ¹⁰
- 4th. Post Fines

¹⁰ See *infra*, p. 175.

5th. Goods and Chattels of Felons, Deodands ¹¹ with year, Day and Waste.

Lastly — Arrears and Deficiencies of certain Taxes.

The Sheriff also levies all arrears of First Fruits, and Tenths of the Clergy; ¹² but as the First Fruits and Tenths are an Appropriated Revenue, they are paid by the Sheriffs to the Collector of the First Fruits, and are not charged on the Sheriffs' Accounts.

SECTION 3^d.

Concerning Viscontiel Rents and Seizures.

The Viscontiel Rents consist partly of small Quit Rents, or Fee Farm Rents, in their Nature fixed, & unimproveable; and partly of Rents reserved for Lands held by Leases from the Crown; or for Lands belonging to and in the Possession of the Crown; or annual Sums paid for certain Privileges, as for Release of Suit of Court, making Assarts in Forests, and such like.

The Amount of these Rents answered by all the Sheriffs for Counties, appears by the appendix to be £917..0^s..8^d and for Cities and Towns £198..16.. making together £1115..16..8.

Besides which there are also other Viscontiel Rents amounting for the several Counties to £235..17..4½ *per* annum, and for Cities and Towns to £11..1..8 *per* annum — none of which are answered, but are made an annual growing arrear — The whole arrear thereof for those of Counties at Michaelmas 1780, amounted to £16,608..13..3, and for those of Cities and Towns to £1200:3:10 making together the Sum of £17,808..17..1. The greater part, if not the whole of these Rents and arrears, are supposed to be irrecoverable.

See the Particular of these Arrears in the Appendix Nos. 7. and 8.

Such of the Viscontiel Rents as are reserved by Leases, are to be distinguished from the dry ¹³ Rents, by having Recourse to the Inrolments

¹¹ A personal chattel causing the death, or injury of a rational creature. With the literal meaning "given to God" it was forfeited to the Crown for pious uses. There was a case of such forfeiture so late as 1841. *Am. Hist. Rev.*, XIX, 770, p. 84.

¹² See *infra*, p. 179.

¹³ Fixed rents, see *infra*, p. 183.

of Leases in the Pipe Office. It is an invariable Rule to insert in every Lease, where the reserved Rent is given in Charge to the Sheriff, a Clause for the Inrollment of such Lease, with the Clerk of the Pipe;¹⁴ As it also is, where the Rent is given in Charge to a Receiver of the Land Revenue, to Provide for the Inrollment with the auditor of the Land Revenue.

The second Branch of the said Revenue is called Seizures; being Rents arising from Estates Seized by the Sheriff upon Forfeitures by Attainders, Outlawries, Escheats, and the Like; These Rents are in General reserved by Leases Granted of the Estates so seized, And were the real Rents of such Estates, or the Rents reserved to the Crown by the Leases thereof, to continue in the Sheriffs Collection, they would in time Accumulate and not be inconsiderable — But it hath not been unusual in Modern times for the Crown to avail itself of Forfeitures of this Sort. On the contrary, Estates Forfeited by Attainder and Felony, have in General been restored to the Owner or some of his Family; and if forfeited by Outlawry upon a Civil Suit, Commenced by the Subject to Procure the Payment of a Debt, it is become a matter almost of Course, for the Crown to Grant a Lease of the Estate, to the Party Complainant; and after Satisfaction of the Debt, to restore the Estate to its' Owner; and in other Cases the Rents of such new acquired Estates, have either been given in Charge to the Receivers of the Land Revenues, or to a Receiver specially appointed by the Treasury. By these means the Rents called Seizures, Collected by the Sheriffs, are but small, and for the Year 1780 amounted only to £10. .0. .4.

A Rental of all Visconteil Rents and Seizures, is or ought to be annually made out by the Comptroller of the Pipe, and sent in Process at the Exchequer Seals, after Hilary and Trinity Terms half yearly, for the Sheriffs to levy; and in the Trinity Seal Process the Comptroller sends, or should include, all the other Rents, and the Arrearages thereof, to the Intent the Sheriffs may make Inquisitions for discovering the Persons or Lands liable to the Payment thereof.—Lord chief Baron Gilbert¹⁵ in his Treatize of the Exchequer (a work he left unfinished) Says, that if the Sheriff cannot gather any of the Rents he may by a Petition to a Baron, And an affidavit that he cannot find the Lands, be discharged therefrom and the arrears will be given in Charge to the

¹⁴ An exchequer official who entered records in the pipe or revenue rolls.

¹⁵ Sir Geoffrey or Jeffray Gilbert (1674–1726). “A Treatise in the Court of Exchequer,” London, 1758. A first instalment appeared in 1738 under the title: *Historical View of the Court of Exchequer*.

succeeding Sheriff. But for many Years past the Sheriffs have been constantly charged, & made to answer all the Visconteil Rents (Excepting those whereon the said Arrears of £16,608..13..3 and £1,200..3..10 herein before mentioned have grown) and also for all the Rents called Seizures, whether they have or could have received them, or not; every Sheriff being considered, not merely as Collector, but as the Farmer of the Visconteil Rents.

The Great Roll of the Pipe, whereon the Visconteil Rents & arrears are written, being Matter of Record for the Crown, no Rent or Sum can by the Law and Usage of the Exchequer be discharged, but by Matter of Record to be Noticed in the same Roll, or by Act of Parliament. In the Reign of King Charles the 2^d. the Roll, as at present, was swelled with Arrears of Rents, and to Remedy the Inconvenience & Expence of Transcribing the same annually, both in Process, and on the Great annual Roll, it was by an Act of the 13th. and 14th. Years of his Reign directed, "that no Precept should from thenceforth be sent "to any Sheriff, for levying any Rents or Farms, which could not be "explained by setting forth the particulars thereof, or which had been "unanswered by the Space of 40 years last past; and that all other Farms "and unintelligible Debts should be removed out of the Great Roll, and "Sheriffs Charge, into an Exannual Roll, there to remain 'till revised by "Commission."

Notwithstanding this Statute there has been no such Thing extant in the Pipe, as an Exannual Roll within the Memory of any of the present Officers — and the visconteil Rents, as well those in arrear, as those which are Answered by the Sheriff, and all the Rents called Seizures, are constantly incerted in the Great Annual Roll of the pipe — But such of them only are charged in the State of the Sheriffs Account, as he actually answers; and therefore the Continuation of the Rents which are irrecoverable, and the arrears thereof is a useless Expence.

SECTION 4th.

Concerning the Issues of the Green Wax.

The Issues of the GreenWax, consist of Forfeited Recognizances,¹⁶ Fines and Issues set in Courts of Justice, as well of Criminal, as of Civil Jurisdiction, (vizt) the Courts of Justice in Eyre, the several Courts at

¹⁶ Sums forfeited for failure to appear in court, or to perform some specified act.

Westminster, the General Assizes, the Quarter Sessions of the Peace for Counties and Ridings, the Sessions of Peace for Cities, Towns and Cinque Ports, Sessions of Sewers, Courts of Pye Powder &c.¹⁷

The Recognizances, composing part of the Issues of Green Wax, are taken in the Courts, of Chancery, Kings Bench, & Common Pleas (where they remain 'till forfeited and are then Estreated into the Exchequer), and all such as are by Law directed to be given, and entered into in any Court, or before any Magistrate, for the Prosecution of Persons charged with Crimes or Misdemeanors, or for the Surrender of Persons so charged to take their Trials (for which not only the Partys, but their Sureties are bound over) or for the appearance of Witnesses to give their Evidence on such Trials, or such as are given by the Putative Fathers of Children in Cases of Bastardy for abiding orders of Sessions, or by Publicans, to prevent their keeping disorderly Houses, and such like.

The Fines and Amerciaments are such as are Set by the immediate Authority of Courts of Justice upon Indictments for Nuisances, Misdemeanors and other Offences, for which the Offenders have on their Trials been convicted; or on Informations in the Kings Bench, whereon the Defendants have been found Guilty; or for some wilful Neglect or Contempt in not attending upon Summons; or attending & afterwards departing the Court without Leave; or refusing to accept Offices, as of Jurymen Constables, or such like (in which Cases the amerciaments are also called Issues) or for any Wilful Negligence in the Execution of the Duties of any Office; or for the Breach or Nonperformance of some Rule or Order made by any of such Courts.

The Issues of Green Wax levied in the year 1780. amounted to the sums following (vizt) For Counties £1248..19.. — and for Cities and Towns £183..11..10 — making together £1432..10..10.

All Issues of Green Wax are, or ought to be Estreated upon Oath, into the Court of Exchequer, at Stated times by the proper Officers of the several Courts, wherein they have grown due.

The manner of sending Estreats from the Chancery is directed by the Statute of Estreats of the 16th Edward the 2^d (This Statute is not printed with the others, but will be found in the Appendix in Vol:9 of Rushead's¹⁸ Edition) And all other Estreats are to be sent as directed

¹⁷ Or Pie Powder. A court dealing with cases arising at Fairs. Said to be derived from *Pieds poudrés*, because most of the parties were itinerant vendors.

¹⁸ This should be Ruffhead, Owen (1723-1769). His edition of the *Statutes at Large from Magna Carta to 1763* was published 1762-1765.

by an Act of the 22^d & 23^d Charles 2^d and enforced by Acts of the 4th and 5th William & Mary and 13th George the 1st under severe Penalties.

All Estreat Roles are left by the proper Officers upon their Oath at a Barons Chambers, from whence they are taken by one of the Officers of the Treasurer's Remembrancer, who either does, or ought, to transcribe them (by way of Cheque) and afterwards to deliver them over to the Clerk of the Estreats. — The Estreat Roles for the Cinque Ports are included in the Estreat Roles, for the Counties of Sussex and Kent — Upon a day prefixed for the purpose, the Clerk of the Nichills¹⁹ and the Sheriff attend the Clerk of the Estreats, and the Sheriff is by him apposed upon the Estreat Roles of all Clerks of the Peace of Counties, and such Sums as appear to have been paid are "totted" (that is they are marked as paid, to be charged on the Sheriff) and the rest are "nichilled" (that is) a Mark is set on them by the Clerk of the Nichills, to shew that nothing has been received in respect thereof.

The Roles thus marked are then transcribed by the Clerk of the Nichills, and transmitted to the Pipe; and such of the Sums, as are nichilled, are sent to be levied by the Sheriff by the Comptroller of the Pipe, whose Process is called "the Summons of the Pipe" & impowers the Sheriff to levy Money on the Goods of the Debtor; but the Sheriff under this Process can neither extend the Lands, nor attach the Body. —

This Process is issued in Hilary Term and Trinity Terms; That of Hilary is returnable in Easter Term; and that of Trinity is returnable in Michaelmas Term and the Sheriff is apposed on both these processes together, before the Cursitor Baron on a day of Profixion. The Sums levied are totted and charged on the Sheriff, and what are not levied are nichelled, And in the Processes thus marked, are transmitted to the Office of the Treasurer's Remembrancer.

Such Sums as are nichilled are there transcribed, and sent out in Process to the Sheriff in what is called the "long writ" of which we shall have Occasion to speak hereafter. —

The Estreats from the Courts of Westminster, Courts of Sewers Sessions for Cities and Towns Corporate, General Assizes Gaol Delivery and Courts of Pye Powder, are sent out by the Clerk of the Estreats (whose Process is called the Summons of Green Wax) in every Trinity & Hilary Terms returnable in the following Terms respectively.

On these Processes the Sheriffs are apposed (the Clerk of the Nichills attending) before the Foreign Apposer twice a year, on day of Prefixion; and the Sums levied are in like manner totted, to be charged

¹⁹ See *infra*, p. 227.

on the Sheriff; and these not levied are nichilled by the Clerk of the Nichills and a transcript is made by him of the nichilled Debts and sent to the Pipe; whereupon the Comptroller issues the Summons of the Pipe, whereon the Sheriff is apposed as before mentioned before the Cursiter Baron, (the Clerk of the Nichills attending) when the like Rule is observed as before, and the unlevied Debts are nichilled, and transmitted to the Office of the Treasurers Remembrancer, from whence they are for a third time sent in Process to be levied.

All Nichilled, or unlevied Debts under the Summons of the Pipe & Green Wax being finally set out in the long writ twice a Year, the Sheriff is apposed on that Writ twice a year in the Court of Exchequer, where by ancient Usage all the Barons should be present but of late years the puisne Baron only hath attended; and such Debts as appear to have been levied are charged upon the Sheriff, and what remain unlevied are continued on the Role, and again sent out in Process twice a Year, For the Debt being recorded, it cannot be discharged, but by record; so that by a constant accumulation of Debts, the Role annexed to the long Writ, is become very voluminous and bulky. Very little if any regard is paid by the Sheriff to any, but the new Debts, nor in fact are any others (or but very rarely) given by him in Warrant to be collected or levied by his Bailiffs.

SECTION 5th.

Concerning Post Fines

The Nature of this Branch of Revenue is too well known to stand in need of much Explanation. It is sufficient to say, that they consist of Sums of Money paid to the King for Licence to agree for the Alienation of Lands from whence they are called "Fines Pro Licentia Concordandi" They are assessed by Commissioners appointed for that purpose, according to the value of the Estate. These Fines used formerly to be sent out for each County in Charge to the respective Sheriffs, from the record of the Fines themselves, estreated by the proper Officer of the Court of Common Pleas into the Exchequer, and were actually collected by the Sheriff at the Hands of the Parties levying such Fines. But this Duty being very expensive, & troublesome to the Sheriffs, an Act was made for their relief in the 22 George the third Whereby it was directed that in future, all Persons levying Fines should pay the Post Fines to the Receiver at the Alienation Office of the Court

of Common Pleas; — And that the Receiver should pay the same over to the respective Sheriffs, upon their producing their Quiches,²⁰ and to the Lords of Liberties, upon their producing a Schedule from the foreign Apposer or Clerk of the Estreats of the Exchequer.

The Post Fines answered to the Crown for the year 1780. by Sheriffs of Counties, as appears by the Appendix, amounted to £2491. .1. .8 and by those of Cities & Towns to £106. .11^s making together £2597. .12. .8.

Notwithstanding the Post Fines are collected by the said Receiver, they are continued to be estreated into the Exchequer, in like manner as when they were collected by the Sheriffs, and undergo the same Forms and Ceremonies. The particulars of them are sent out to every Sheriff in Process by the Clerk of the Estreats, and the Sheriff is apposed on the Roll thereof, which is transcribed and transmitted, with the rest of the Monies Totted on those Apposals; and thus getting to the Pipe, they are there again transcribed and recorded on the Great Roll of the Exchequer.

SECTION 6th.

Concerning the Goods & Chattels of Deodands, and Year, Day and Waste.

It very rarely happens that the Sheriff answers any Thing from this ancient Right of the Crown; altho it is his Duty to make Inquests for the Purpose of discovering and seizing such Forfeitures, when they happen, and make part of his Oath on his Apposal to render a just Account thereof. Nothing arose from this Branch in 1780

SECTION 7th.

Concerning Deficiencies and Arrears of Inland Taxes, and Arrears of first Fruits and Tenths.²¹

The sixth Branch of Revenue is that of Deficiencies, or Arrears of certain Inland Taxes, not being Customs or Duties of Excise.

But it seldom happens that any Tax is levied by the Sheriff, except Deficiencies, or Arrears of Land Window or House, Tax.

²⁰ Apparently some form of quittance.

²¹ Originally paid to the Pope. Taken over by the Crown at the Reformation it was, in 1703–1704, under the name “Queen Anne’s Bounty,” made the nucleus for a fund for the augmentation of the incomes of the poorer clergy.

An Account of the deficient Taxes and of Arrears thereof, is transmitted from the Proper Officer of the receipt of the Exchequer to the Barons; and the Kings Remembrancer thereupon issues his Process (which is called a Distringas) to the Sheriff to levy them.

Altho' it frequently happens that the levies for Taxes made by the Sheriffs and charged upon them in their Accounts exceed the Amount of all the rest of their Collections, yet ought not these levies be considered, (as in fact they are not) any part of the profits arising from the Revenue in their Receipt. They only levy these Taxes for the use of the Publick, when unpaid to the proper Receiver thereof, as they do a Debt upon an Execution issued by a Subject; And similar thereto the[y] pay the whole of the Taxes so levied, into the Receipt of the Exchequer; For these Levies cannot, like the Proficua Comitatum, be kept by the Sheriffs, or appropriated towards the Expences attending the Execution of their Offices.

Thus it will be found on examining any Sheriffs Account, passed in the Exchequer, that whatever Sum is debited to, or charged on him for Levies of Taxes, he has credit given him in the discharge, for exactly the same Sum, as paid by him to the Exchequer; So that altho' these Levies swell the Gross Amount of the Charge, and discharge, yet is the King in respect of his Revenue, neither aided by the one, nor affected by the other. But the Account, as between the King and the Sheriff, would stand precisely in the same State at the Close of it, as it would do if those Levies were totally omitted. The Sum levied for 1780 for Taxes by Sheriffs of Counties was £1416..2..5 and by those of Cities & Towns £187..15..6 making together £1603..17..11 as appears by the Appendix

When any of the Clergy make default in Payment of the first Fruits or tenths, An Account of the Arrears is in like manner transmitted to the Exchequer, & Process is Issued by the Remembrancer of the first Fruits for the Sheriff to levy them, according to an act of Parliament of 3^d. George 1st. Chapt. 10th. Section 3^d.

The Sheriff is apposed upon the Processes for Taxes, and First Fruits and Tenths, at the same times, and in like manner, as upon the long Writ. But instead of carrying the Money levied thereon to his account, he is obliged to pay it over instantler — The Taxes he pays without any Deduction into the Exchequer upon a Tally, which intitles him to have the Money allowed on his General Account as before mentioned; but as to the Money levied for the first Fruits and Tenths it is paid to the Receiver thereof and never appears on the Sheriffs Accounts.

SECTION 8th.

Concerning the Expences allowed to Sheriffs upon the Discharge or Credit Sides of their Account.

These Expences and Allowances Consist of the following Particulars
Vizt.

1st. Proffers, paid to the Exchequer

Secondly — Bills of Cravings:

3^{dly}. . . . Rewards for apprehending Highwaymen, Housebreakers, Clippers, and Coiners.

4^{thly}. . . . Wages of Justices of the Peace.

5^{thly}. . . . Land Tax for the Viscontail and other Rents.

6^{thly}. . . . Creation Fees to the Nobility Salaries and Annuities.

7^{thly}. . . . Levies of Taxes paid into the Exchequer.

and lastly . . . Poundage for Collecting the Viscontail Rents, Seizures and Issues of Green Wax.

SECTION 9th.

Concerning Payments to the Exchequer — called Proffers.

The Proffers are always the first Item of discharge on every Sheriff's account, being Sums of money actually paid by such Sheriff into the Exchequer. These Payments never vary, but are fixed and certain — They are sayd to be part of the Viscontiel Rents, but in Truth They were originally Sums advanced out of the General Profits of the Country that the Crown might have a Supply, without waiting till the Sheriff passed his Account — Notwithstanding a Clause in the Act for the Sheriffs of 3^d. George 1st. directing that the Proffers shall be made to Tally with the Viscontail Rents, it is apparent that all the Proffers are not paid out of the Viscontail Rents; from the Circumstances, that some of the Sheriffs of Counties pay more for Proffers, than the Net Produce of the Viscontail Rents in their Collections amounts to; and by several Sheriffs of Cities or Towns paying Proffers who Collect no Rents.

The Proffers paid by all the Sheriffs of Counties appear by the Appendix to amount to the annual Sum of £579. — and those of Cities and Towns to the Annual Sum of £23..11..1 making together £602..11..1

SECTION 10th.

Concerning Bills of Cravings and Rewards, for apprehending Clippers, Coiners, Highwaymen, and House-breakers.

The second Item of Discharge is the Sheriffs Bill of Cravings,²² to which may be added the third Item for Rewards paid under the several Acts of Parliament of the 4th. and 5th. William and Mary — 6th and 7th William 3^d. & 5th. Ann for apprehending Highwaymen &c. For altho' the Sheriffs are bound to pay these Rewards, and are intitled by an Act of the 3^d. George 1st. Chapter 15th. "for regulating the Office of Sheriff, to be repaid by the Lords of the Treasury without Fee or "Reward," to the Intent as the Act expressed it, that they might not be obliged to wait for Repayment of those Sums, until their Accounts are passed; yet as the Sheriffs are always obliged to pay some Fees for the Warrants, both at the Treasury, and at the Auditors Office, and are frequently unable to get the Money from the Exchequer, till after their accounts are passed, they still very frequently Charge such Rewards in their Bills of Cravings. These Bills Comprize all the Expences which the Sheriffs are necessarily put to in providing Lodgings for, and Entertainment of the Judges of Assize; Conveyance of Persons Committed from one Goal to another to take their Trials; Publishing Proclamations, Removing of Persons Sentenced for Transportation; putting into Execution all Sentences pronounced on the Criminal side of the Court at the Assizes, as well as at the Quarter Sessions; taking Inquests of Office for the Crown; and levying Deficiencies of Taxes and such like.

The Bills of cravings of Sheriffs of Counties for the year 1780. amounted to £4,997. .11. .11 whereof £450. was for Rewards for apprehending Highwaymen &c. and the Residue was for the incidental Expences of executing the Office of Sheriff.

That of Bristol was the only Sheriff of any City or Town for the year 1780. who was allowed any Bill of Cravings. He was allowed £15. .10. .8.

²² See *infra*, pp. 186, 187, 193.

SECTION 11th.

Concerning Wages to Justices of the Peace for holding the Quarter Sessions

These Wages were first allowed by the Statute of Canterbury, and enforced by Acts of the 12th and 14th Richard 2^d. By that of the 12th Richard 2^d. Six Justices were to be assigned for the Sessions who were to be paid by the Sheriff out of the Fines & Amerciaments of such Sessions, four Shillings per day and their Clerk 2^s per Day. By the Statute of the 14th Richard 2^d the Number was enlarged to eight; and it was thereby expressly directed, that no Duke ²³ Earl Baron or Baronet should be paid any Wages altho' he should attend the Quarter Sessions — The Rule now is, to allow Wages to twenty four Justices during every Quarter Sessions for Middlesex, and to twelve Justices for each of the other Counties. — The Sheriffs sometimes Charge the Payment of these Wages in their Bills of Cravings, so that the real Amount paid for such Wages cannot be exactly known without having reference to those Bills.

The Amount paid for the Justices Wages for Counties in 1780. as appears by the Appendix, (exclusively of what was contained in the Bills of Cravings) was £192..19..7 No Wages are paid to Justices for Cities or Towns

SECTION 12th:

Concerning the Allowance of Land Tax out of the visconteil Rents.

In every Land Tax Act Provision is made that the Receivers of the Crown Rents shall allow the full rate for Land Tax out of every dry or fixed Rent, exceeding ten Shillings per Annum; and out of every other Rent, exceeding twenty Shillings per Annum. The Land Tax allowed to the Sheriffs for the year 1780, as appears by the appendix, amounted to £106..12 — and it will always bear a due proportion to that Amount according to the Rule of the Tax whether at 4^s or 3^s in the pound, whilst the Viscontiel rents and Seizures remain as at present

²³ This is apparently an incorrect citation. There is no legislation on the subject in 14 R. II. in *Statutes of the Realm*. It is strange to include viscounts and baronets dating from 1441 and 1611 respectively and to omit marquesses who date from 1386. Cf. L. O. Pike *House of Lords*, p. 348.

SECTION 13th.Concerning Creation fees to certain of the Nobility,
Salaries & Annuities. —

In early times the Earls of Counties were entitled to the third penny of the Profits of the Counties, which Allowance was afterwards rendered certain by a Grant of a fixed annual Sum payable out of those profits. Many Persons & even the Barons of the Exchequer have differed in Opinion what were anciently considered, as the *Proficua Comitatum* and tho' this Question was formerly perhaps a Matter of more Curiosity, it is now become a matter of some Consequence because upon a fair decision of it ought to depend the Payment or Nonpayment of the Creation Fees and from Hence several Questions arise (*Viz^t.*) If the Sheriff receives by viscontiel and other rents & Issues of Green Wax, the amount of the Creation Fees, whether he is bound to discharge those Fees in preference to all other Payments, or is to pay them, only in the Event, of his having a Ballance in his Hands, upon the final Close of his Accounts.

Another Question is whether the viscontiel rents and seizures, and particularly those which arise from Lands acquired by the Crown since the Grants of those Fees (all of which it is sayd are prior in Date to the reign of Queen Elizabeth) do or do not compose any part of the Ancient *Proficua Comitatum*, liable to the Payment thereof; and should it be determined, that the Creation Fees are to be paid in the Event of what shall be deemed the *Proficua*, being of sufficient Amount for that Purpose, after payment of the Ordinary Expences of the Sheriff; whether in adjusting the Sheriffs Account, any Expences ought to be deducted, except such as are incident to the Collection of the *Proficua*, and of ancient Establishment. —

Several of these Fees are in Arrear owing to the Rule observed at the Pipe of never suffering the Sheriff to pay this Fee, unless he hath a Balance in hand; in which Case the whole of that Balance (if so much is due) is paid towards discharging the arrears. The Appendix contains a Particular of all the Creation Fees, and at the times to which they have been discharged.

Besides these Fees the Sheriffs also pay certain Salaries & Alms Money (a particular whereof is also contained in the Appendix) amounting in the whole Sum of £141..0..4 per annum — These Salaries do not, like the Creation Fees, depend on the Sheriff having a Balance in His Hand;

But he is obliged to them, whether his whole Collection be sufficient or not; and he is always allowed for such Payments on the State of his Account.

SECTION 14th.

Concerning Levies for Taxes and Sheriffs' Poundage.

The seventh Item of Discharge is the Money levied for the deficiencies of Taxes, and paid by the Sheriffs into the Exchequer to make good those Deficiencies. It is before Stated why these Levies make no addition of Profit to the Crown, from the Revenues Collected by the Sheriff, though the Charge of them in his Account Swells the amount, and frequently exceeds all the rest of his Collection.

The last Item of the discharge is the Sheriffs Poundage. The Rates of Poundage are settled by different Acts of Parliament — For the Viscontiel Rents and Seizures and for monies levied by Summons of the Pipe, or arising by Felons Goods, the Poundage is after the Rate of one Shilling in the Pound for the first £100, and Sixpence in the Pound for all above £100. And for Monies levied by *Fieri facias* or the long Writ of the Exchequer, after the Rate of one Shilling and Sixpence in the Pound for the first one hundred Pounds, and one Shilling in the Pound for all above £100. And for levying the deficient Taxes, as the Sheriff is obliged to pay the exact Sum to the Exchequer without any Deductions, he is allowed to make a Charge in his Bill of Cravings. The whole Sum allowed to Sheriffs of Counties for Poundage upon their Accounts for 1780. Amounted to £102. .10. .8, exclusively of what was allowed in their Bills of Cravings for levying the Taxes — No poundage is allowed to Sheriffs of Cities, or Towns out of the Kings Revenue.

Before we quit this Subject of Poundage, it may not be improper to State the Circumstance of the Sheriffs paying a Poundage, which They never again receive. By the before mentioned Act concerning Post Fines, the Receiver thereof is authorized to retain six Pence in the Pound for their Amount, on Payment thereof to the Sheriffs; and which he accordingly retains. — Notwithstanding which, the Sheriff is charged with, and answers the gross Amount of the Post fines, and by that means he actually loses all the Poundage retained by the Receiver; which is a great Hardship on the Sheriffs, as they are in no respect benefitted by the Post Fines.

Besides the foregoing Allowances made to the Sheriffs upon the States of their Annual Accounts, the Sum of £3.640 is by virtue of an Act of

30th. George 1st. paid out of the Public Taxes amongst the Sheriffs of English Counties, (and £360 amongst those of Wales) to reimburse them the Expences of suing out their Patents & Passing their Accounts; Including the Fees of the several Officers, for sending out & Recording the Processes Issued for the King.

SECTION 15th.

Concerning the Expences at large attending the Sheriffs Patents.

Having given the Particulars whereof the Revenues Collected by the Sheriffs Consist, and the Nature of their Expences disbursed, & allowances made to them by Government, we will proceed to Examine into the means, by which those Expences are Incurred, which will of necessity lead us to speak of the Duties of the respective Officers, established by the ancient System of the Exchequer for the management of the Business, in which the Sheriffs are concerned and their manner of Accounting.

The first Thing done by a Sheriff after his Election is to sue out his Patent; he then gives Security for the due Execution of his Office, and takes the Oath of Qualification, as appointed by Act of 3^d. George 1st. — The Fees appointed by that Act to be paid for the Patent, Writs, and Oaths are limited to the Sum of £11. 0. 2 , which includes the Fees of all the Officers, as well of the Court of Chancery as of the Exchequer. But as they do not include the Expence of Solicitation, the Patent generally Costs the Sheriff £30 or thereabouts.

SECTION 16th.

The Manner of passing the Sheriffs Bills of Cravings and Accounts and of his Dismission.

Every Sheriff previous to his Apposal before the Cursitor Baron, Foreign Apposer and Clerk of the Estreats is sworn before the Cursitor Baron justly to account; And on his other Apposals he is sworn before a Baron justly to account. —

After the Sheriff has gone thru' his Apposals, he delivers his Bill of Cravings with an Affidavit to verify the Charges contained in it to one of the Judges of the Preceeding Circuit for that County who if he

has no Objection, Grants his Allocatur. It is then left with the Secretary to the Chancellor of the Exchequer, who takes it and grants his Allocatur for the Sum to be allowed. It is afterwards carried to the Office of the Treasurer Remembrancer, where it is inrolled and a Petition prepared for the Allowance of it upon the Sheriffs Account. After which it is carried to the Pipe, where it is inrolled on the Great Roll, and from thence returned to the Office of the Treasurers Remembrancer to be fyled and recorded. If the Sheriff has charged in his Bill of Cravings the Payments of any Rewards, the Certificate of the Judge before whom the Offenders were convicted, and the Receipts for such Rewards, are annexed to the Bill of Cravings.

The Sheriff having gone thro' all his Apposals, and paid the Proffers, and levies for Taxes and first Fruits as before mentioned, and procured the Allowance of his Bill of Cravings, he procures from each of the several Officers of the Treasurer's Remembrancer, the Kings Remembrancer and the first Fruits a certificate of the several Sums charged upon him; at his apposals.—These Certificates and the records of Levies of Taxes, if any, together with the Exchequer Tallies for Proffers and Taxes are then left when [=with] the clerk of the Pipe, who makes out the State of the Sheriffs Account for the whole Year which is transcribed and entered with the Comptrollor of the Pipe and is also finally entered on the Great Roll of the Pipe, The Certificate from the first Fruits is merely to shew, that the Sheriff has duly accounted for the Arrears—The account being prepared a Day is prefixed for the Sheriff at Westminster to be cast out, or dismissed [by] the Court; at which Day the Cursitor Baron sitting in Judgm^t. and being attended by the auditor of the Land Revenue, the Clerk of the Pipe, the King's Remembrancer, the Treasurer's Remembrancer the Comptrollor of the Pipe, the Clerk of the Estreats, the Clerk of the Nichills, the Remembrancer of the first Fruits, and the Usher of the Exchequer, or their respective Deputies, and by the Sheriff or his Deputy or Attorney lawfully authorized, and Proclamation being made in Form; the Bill of Cravings and Petition are first read by the Treasurers Remembrancer—Then the Clerk of the Pipe reads over the State of the Accounts at large (the auditor of the Land Revenue chequing the Sums contained therein). This being ended, Proclamation is made to discharge, or dismiss the Sheriff, which is also called casting out of Court; and the Clerk of the Pipe is then authorized to grant him his Quitus [Quietus], which is accordingly done at the Foot of his Account.—

By the State of the Account, it appears whether the Sheriff has or has

not a Ballance in his Hands. If he has a Ballance after all Payments and Allowances, he is obliged before the Clerk of the Pipe finishes the State, to pay that Ballance as follows (Viz.) If his Proffers are less than the viscontiel Rents and Seizures (which is the Case in some of the Cities) the Sheriff pays the difference into the Exchequer, and brings his Tally — This is termed on the State of his Account, “the Remainder of the Account,” And the Rest of the Ballance the Sheriff pays to the Collector of Green Wax, whose receipt is produced to the Clerk of the Pipe. But if the Sheriff hath no Ballance but is in Surplusage (which is most frequently the Case) the Sheriffs Quitus at the foot of his Account, signed by the Clerk of the Pipe authorizes the Sheriff to sue out his Warrant of Surplusages from the Treasury; and upon a Letter from thence, the Auditor of the Receipt of the Exchequer pays that Surplusage. In 1780 the amount of Money paid for Remainders of Account, was £5. .0. .11 and to the receiver of the Green Wax both for Counties and Cities and Towns it was £792. .3. .3 and the Amount of Sums paid for Surplusages by the Exchequer to Sheriffs of Counties was £2289. .10. .9 — The Sheriffs of Cities and Towns, tho’ they pay the Balances (if any) to the Exchequer, do not receive any Surplusages, if any due on their Accounts.

In Cases of Sheriffs being repaid Rewards for apprehending Highwaymen &c. by Warrants from the Treasury, those Warrants are transmitted by the Auditor of the Exchequer to the Pipe, to be recorded as a Cheque, to prevent their being allowed to the Sheriffs a second Time.

SECTION 17th.

Concerning the Expediency of Establishing a New System for the Collection of the Casual Revenue.

The many Statutes and Acts of Parliament heretofore made for Compelling a regular and frequent Return of Estreats of all Fines and Forfeited Recognizances under severe Penalties; and for directing, and from time to time altering, as Circumstances made it expedient, the manner and times of Issuing Process for levying the Sums so Estreated, the Providing so many Officers to Execute those Acts, and last of all the making such ample Provision for paying all those Officers, regular annual Fees for their time & trouble out of the Public Treasure, all tend to shew, that the Legislature has ever thought it a Matter of Great Importance to the Jurisprudence of the Kingdom, that the Payment of the Issues

of the Green Wax should be compelled in the most expeditious manner; at the same time for avoiding Oppression, it has Prohibited the Attaching the Body of the Debtor, if the Debt can be levied on his Goods or Lands; And to the end Sheriffs may be encouraged the better to do their Duty, Provision has been made in late times (for it was not so formerly) for allowing them Poundage out of all they Collect; In particular so lately as the year 1716, two Acts were passed, by the first of which, List of Fees to be taken by all the Officers concerned in the Business of Sheriffs are established, fully adequate to the Trouble; and by the Second, a Fund is provided to be paid at the Exchequer amounting to £3,640 ꝑ annum to English Sheriffs, and £360 to those of Wales, to defray those Fees.

The Dignity and authority of the Courts of Judicature thro' the Kingdom, the Execution of the Laws, the good Government of the State, and the Liberties of the Subject, all Demand that there should be no delay, no Relaxation, no Negligence either in the Estreating or Levying those Debts — In point of Revenue, they are indeed not capable of being made very considerable. — But if Courts of Judicature Impose Fines for Offences, or for disobedience to their Decrees and Sentences, and those Fines are not exacted with Rigour and Dispatch or not levied at all, that mode of Punishment will soon be disregarded, and others of necessity must be introduced to supply their Place. If Recognizances (kindly & mercifully Substituted by Law in the Place of Imprisonment or to secure Evidence of Heinous [heinous] Crimes or for the Preservation of the Peace) are forfeited by the wilful default of the Parties; or if Fines are set by Courts of Justice for Contempts of the Lawful Authority of such Courts, or for Offences and Misdemeanors; and if the Estreating or Levying the same is to depend solely on the Will or Caprice of the Officers, whose Duties it is to Estreat, or Levy them; all those Methods marked out by the Legislature, for the support of legal Authority will be of little avail — That there are Shameful Defaults, both in respect to the Estreating, and the Levying is but too apparent.

For scarcely any of the Town-Cerks of Corporations (Excepting of Cities and Towns which have Sheriffs of their own) or Clerks of the Market send in any Estreats to the Exchequer altho' they are made liable for their Default by the Act of 22^d. and 23^d. Charles 2^d. to a Penalty of £50, to be recovered by Action. And in respect to the Levy of such as are estreated, altho' the several Officers of the Exchequer send out their Processes to the Sheriffs regularly, as by Law is required,

the amount of what the Sheriffs acknowledge to be levied is itself trifling, but will appear much more so, when compared to the amount of New Debts only sent to them in Process, exclusively of the Remanets on the long Writ. The New Debts of this Discription for the year 1779 amount to £ [omission] of which only £ was answered by the Sheriffs to the Crown.

The Causes of these Defaults are various; amongst others, the Interval from the time the Debt has accrued to that of Issuing the Process, or the want of Regard paid by Sheriffs to the first Process, and the short time allowed for the Return of it; The want of Authority in the Deputies before whom the Sheriffs are apposed on Several of the Processes: — The want of attendance and Exertion by the Barons, and other officers of the Exchequer at apposals on the other Processes; The Execution of the Principal Offices by Deputies, who have no Encouragement to complain to the Court of Negligencies in Sheriffs; & the Practice of Sheriffs employing many of those Deputies to act as their Agents; & the low Rates of Poundage for Levies of the King's Debts, and for Attachment of the Bodies of the Debtors being Inadequate to the Expences and Trouble attending that Duty, are Circumstances obviously tending to obstruct the Levy of these Casualties: To which may be added, that the Laws themselves, are in some respects deficient, in making it the Duty of no particular Officer, to see that the King's Debts are regularly Estreated — It would be Natural to Expect the Barons, who preside at the Head of the Kings Court of Revenue, or the Cursitor Baron, would at least sometimes Inquire into the Defaults, both of their Own Officers, & the Sheriffs; But the Barons make it an invariable Rule to take Notice of nothing, but what comes before them in form by motion of Council; and as to the Duty of the Cursitor Baron, it seems limited to the apposals of the Sheriffs, & to judge of and determine such matters as may be then specially Stated to him by the Sheriff, or such other Officers as attend: And as to the other Officers (vizt) The Clerk of the Pipe & both his Secondaries, The Treasurers Remembrancer, the Comptroller of the Pipe, the foreign Apposer, the Clerk of the Estreats, and the Receiver of the Green Wax, they are all Executed by Deputies; and whatever may be the Duty of the Principals (all of whom make perfect Sinecures of their Offices) that of the Deputies seems confined to the Executing such Business, as they are paid for doing, of which that of calling on Defaulters for their Estreat Rolls, or upon Sheriffs to levy the Kings Debts with Diligence seems to be no part.

One Great, if not the Sole Cause that so little Money is levied by

the Sheriff is, that the High Sheriff trusts to his Undersheriff, and the Undersheriff to the Bailiffs. — These Bailiffs who in Truth Execute the Office of Sheriff, are not Sworn; are in General Poor, and liable to Temptation; and are allowed very little, if any Thing for levies of this Nature. They therefore either give themselves little, or no Concern about the Matter, or if they do, it is more often owing to Pique or Resentment to the Debtor, or to get a Fee from him to be excused levying the Debt, than from a Sense of Duty. — The Bailiff in most Cases Certifies to the Undersheriff, that the Party is not to be bound, and has no Goods or Lands whereon the Debt can be levied. The Undersheriff on his Apposals turns to the several Certificates of the Bailiffs, and gives the Officers of the Exchequer the same answers, as the Bailiffs have given to him, to the Call of each Debt; and thus ends the Farce of a modern Apposal in the Court of Exchequer; And thus it is that the Debts of the Crown of this Sort remain uncollected, and the Debtors at large, to the evil Example of all Persons, who enter into Recognizance, or are fined for their defaults or misdemeanors.

Upon a careful Examination of the Accounts stated in the Appendix, it will appear that so far from the Crown receiving any Thing from the Issues of Green Wax, which is the only Article of Revenue dependant on the Case and good Management of the Sheriffs, that for the year 1780 they produced after deducting the Poundage a very Trifle, whilst the whole Expence attending the Sheriffs, and their Accounts exceeded £10,000.

SECTION 18th.

The Heads proposed for a Bill in Parliament for retrenching the Expences attending the office of Sheriff, and for the better answering of the Revenues in their Collection, and the advancement of Justice.

To Remedy the foregoing Defects, and to retrench Expences, the following Plan for a Bill in Parliament is humbly submitted to consideration.

That the Board of Land Revenue (if such a Board should be established, and if not, then that the Lord High Treasurer, or Lords Commissioners of the Treasury) be authorized to divide the Counties amongst the four Senior Sworn Attorneys of the Pipe, or Surveyor of Green Wax, or the Register of the Board, whose Duty it shall be to call upon every

Person liable, duly to return Estreat Rolls, as the Law directs; and to Certify all Defaulters to the Court of Exchequer; and that the Court shall thereupon proceed to Fine such Defaulters, without any other Applications against such Defaulters.

That all Persons who return Estreat Rolls shall in future deliver Duplicates thereof, which Duplicates shall be sworn to, and Signed by the Baron, with whom they are left; or if taken by Commission, they shall be Certified by the Commissioners and signed by them: One to be delivered over to be fyled in the Pipe Office; and the other to the auditor of the Land Revenue, to enable him to cheque the Sums, when the Sheriffs come upon their Apposals.

That within fourteen days after every Estreat Roll shall be received at the Pipe, the Attornies shall in their respective Departments, Issue the Process to the Sheriff, returnable the next ensuing Term.

That such Process shall be in the Nature of the long Writ (that is to say) First to take the Goods of the Debtor, if they are sufficient; then to extend his Lands; And if both are insufficient, then to attach the Body; the form of which Process may be abbreviated, from the long writ and inserted in the Bill.

That the Sheriffs shall be apposed on this Process in Hilary Term or within fourteen Days after Term, once a Year only, and such apposals to be in open Court before at least three of the Barons

That as to all Debts which shall not be levied, nor the Body of the Debtor attached, the Sheriff or his Substitute shall be bound in Propriâ Personâ, to give the true Cause thereof to the Court: And in future, that the Sheriff shall be charged with the Debt.

And in order to make this Duty the easier, the Sheriff shall be empowered to appoint any Person (for whom he will be answerable) as his Substitute for the Special Purpose of executing the King's Revenue-Process, which Substitute may be apposed before the Barons instead of the Sheriff. And that this Duty may be effectually performed, the Sheriff shall be allowed (instead of the present Poundage) After the rate of three Shillings in the Pound for every Sum actually levied under £100 and after the rate of 2^s. in the Pound for all above £100. And shall be also allowed one Guinea for every Person attached; beside which a discretionary Power shall be given to the Barons to allow such further necessary Expende, as the Deputy shall depose, he hath been put to, by conveying the Body of any Debtor to the County Gaol.

That the Barons shall at their Discretion discharge, or continue in subsequent Processes for such a time as they think fit, the unlevied

Debts, according to the Evidence, they shall receive at the apposals in respect thereto.

That in Case of Sickness or other Cause, any of the Barons shall have power at their Chambers or in Court to enlarge the day of prefixion for the apposal of any Sheriff at Discretion.

That the Auditor of the Land Revenue, shall attend with his Rolls and Assist in Examining the Sheriff or his Substitute on his apposals: and that both parts of the Estreat Rolls, and also the Schedules annexed to the Process shall be Marked alike (as to the Debts levied discharged or to be continued) by the respective Officers; and the two Original Rolls so Marked, shall be again filed in the Offices from whence they were brought: And at the Foot of, or by Indorsement on the Process, the Auditor and the Attorney of the Pipe shall Certify under their Hands the Sums levied, and the Deductions ordered to be made or allowed thereout, and the Net Sum due from the Sheriff to the Crown; which Sum shall be immediately paid to the Treasurer of the Land Revenue, or into the Receipt of the Exchequer, and a Receipt given for the same to the Sheriff; which Receipt shall be a full Quietus to the Sheriff: And for the safe Custody thereof, the Receipt shall be Entered with the Clerk of the Pipe, which Entry shall be Evidenced.

That the Original Process shall be kept by the Treasurer or by the Auditor of the Exchequer, as his Voucher and Authority for the Money received of the Sheriffs.

That in all Cases w[h]ere upon any Conviction working or incurring Forfeiture of Goods Chattels, Year Day or Waste the Sheriff shall cause Inquests to be made in respect of such forfeitures, and shall produce such Inquests at his apposals, to the End he may be charged therewith; with Provision that six lawful Men shall be sufficient for the taking such Inquests, and that any Number of Persons committed at the same Assizes, or the same Sessions, may be included in one Inquisition; All which Inquisitions shall be annexed to the Sheriff, Process, and filed therewith.

That every Sheriff shall be allowed to Charge in his Bill of Cravings, the Sum of £15. for his Patent (Viz^t.) £11.0.2 for the Fees directed to be paid by the said Act of 3^d. George 1st. & £3. .9. .10 for the incidental Fees of Sollicitation, and no more. And shall Charge for levying the Deficiencies of Arrears of Taxes the Poundage accustomed to be allowed for that Service, besides the other Ordinary, and Necessary Charges. And that such Bill of Cravings having been first examined, and allowed in the usual manner, shall be paid to the Sheriff, by the

Treasurer of the Land Revenue, or at the Receipt of the Exchequer, at the time when the Sheriff pays in the Money, Certified to be due from the Sheriff to the Crown.

That the Post Fines shall be paid the first day of every Term by the Receiver thereof, either to the Treasurer of the Land Revenue, or into the Receipt of the Exchequer.

That the viscontiel and other Rents shall be in future given in Charge to, & be Collected by the Receiver of the Land Revenue, within their respective Departments.

That the levies of Taxes shall be paid into the Exchequer, and the first Fruits, and Tenths to the Receiver thereof, as at present, upon the Returns of the Processes; but instead of a Tally for the Taxes, a written Receipt shall be given, which the Sheriff shall before his apposal enter with the Clerk of the Pipe, for the safe Custody thereof; and shall produce the original at his apposal; and in Case the Sheriff shall not have levied and paid to the proper Officers, the whole of the Debts mentioned in the Processes, to be due for Taxes or first Fruits and Tenths, he shall be apposed on these Processes, as well as on that of the Green Wax: and the several Remembrancers shall be required to attend all apposals of Sheriffs; & every Sheriff shall give them at least 24 hours previous Notice of the time prefixed for his Apposal.

And Whereas power is given by the Statute of 4th. George the 3^d. Chap 10th. to the Barons of the Exchequer to discharge Recognizances, Estreated from inattention; and it is Enacted, that no Quietus shall be necessary, and that only one Guinea shall be paid for the order. It is proposed to extend the said Provisions to the Cases of Fines and Issues imposed upon Jurymen, Constables, or Bailiffs, which under any particular Circumstances, the Barons shall think fit to discharge; and to declare that in the Fee above mentioned is included, not only the Order, but the Fees of fying Affidavits, and taking out the necessary Constat,²⁴ if the Sum discharged shall not exceed £40. and to provide, that all such Orders shall be produced by the Sheriffs at their Apposals,²⁵ that Exonerations may be then entered on the Estreat Rolls, according to the Purport of such Orders.

That Power shall be given to the Judges of Assize upon their Circuits, sitting at the Criminal Side, to set a[t] Liberty all Persons that shall be

²⁴ "A certificate given by the auditors of the Exchequer to a person who intends to plead or move for a discharge of anything in that court."

²⁵ Examination of the sheriff's accounts by an officer of the exchequer. The office was abolished in 1833.

Imprisoned for the Non-payment of any Fines, Issues or Forfeited Recognizances sent out in Process as aforesaid, where the Sum exceeds not £50, after the Party shall have been Imprisoned for the space of Six Months, if for any Debt not exceeding £20, and for the Space of one year if the Debt shall exceed that Sum; with Proviso, that where the Condition of any Forfeited Recognizance was for the Appearance of the Prisoner to give Evidence, or to take his Trial, or to keep the Kings Peace, the Party shall cause 14 days previous Notice to be given of the intended Application for his discharge unto the Person on whose Prosecution or Complaint such Recognizance was given; and that such prosecutor shall have Liberty to be heard by Council against the Enlargement of the Prisoner; and that the Judge shall thereupon remand him to Prison, or set him at large at his Discretion; That the Sum of 10^s/ only shall be paid for the Order for such Discharge; and with further Proviso, that the Party shall not be discharged from Imprisonment for any Debt save only the Debt to the King to be mentioned in the Order.

And to the end persons may not, as at Present, be Imprisoned for Crown Debts for their Lives, a General Power may be given to the Court of Exchequer after Six Years Imprisonment (analogous to the Statutes of Limitations) to discharge any Persons Imprisoned at the Suit of the Crown, where the Debt shall not exceed £200.

It will be very Necessary by the Bill to restrain any Officer concerned, from acting as Agent to any Sheriff, under a Penalty of Forfeiture of Office.

Should any Plan of this kind be thought worthy the attention of the Legislature, several other Matters connected with the Subject will be necessary to be considered, and provided for — In particular

First — An easy Method for the Adjustment of Claims by Lords of Liberties out of the Post Fines, & Issues of Green Wax.

Secondly — For the Payment of the Creation Fees and Salaries mentioned in the Appendix.

Thirdly — For making reasonable Compensations to the several Officers and their Subordinates, whose Income will be affected by the Bill.

Fourthly — For the Payment of Salaries to the 4 Attornies of the Pipe for Issuing the future Processes, and attending the apposals of the Sheriffs.

And Lastly — For the Payment of some Additional Salary to the Auditor of the Land Revenue, unless a Board of Land Revenue should be established, or his present Salary thought sufficient.

In respect to the Claims of the Lords of Liberties, The Foreign Ap-

poser, the Collector of the Green Wax, and the Clerk of the Estreats are possessed of the Books containing the Names of the Places, and the Extent and Nature of the Grant of every Liberty; and it is proposed to declare, that no Claims shall be in future admitted excepting such as hath had an allowance by the Court of Exchequer by express order, or by the Setting over a Fine within 30. or 40. years past, unless in Cases of Disability of any Claimant to be proved before, and admitted at the Discretion of the Barons.

That the above mentioned Books shall be delivered over to the Pipe, the Auditor of the Land Revenue, and the Receiver of the Post Fines.

That the Receiver of the Post Fines, and the Attornies of the Pipe in their respective Departments, shall in the month of December, Yearly assist the Lords of Liberties, or their Agents applying to them, in Comparing and Examining the Estreat Rolls, with the Names of Places in the said Liberties; and each of them shall make out and Subscribe with their Hands, a Constat, containing a particular of all Fines and Debts to which the said Claimants shall appear to be intitled respectively; for which Constat the Lords of the Liberties shall pay such moderate Fees, as they now pay, and which shall be fixed by the Bill — That the several Constats, shall before the first day of January Yearly be left with the Auditor of the Land Revenue, who shall compare them with his Book by way of Cheque, and the Constats from the Pipe he shall produce at the apposals of the Sheriffs; and the Net Sums, which shall appear to have been levied, shall be Certified by the Auditor at the Foot of, or by Indorsement on the Constat, and shall afterwards be paid to the Claimant by the Treasurer of the Land Revenue (or at the Receipt of the Exchequer,) to the Intent every Debtor intitled may avail himself of the Powers to be given by the Bill for his Relief, and that the Lord of the Liberty may have the aid of the Kings Process, according to his Charter, and that he may not have it in his Power to forgive the Debt to the Estoppel of Justice; and as to the Post Fines the auditor shall also Sign at the Foot of, or Indorse his Allocatur upon the Receivers Constat (if he finds the same Correct) and the said Post Fines so allowed, shall be also paid by the said Treasurer, or at the Receipt of the Exchequer.

And this Method should extend as well to Liberties in Cities and Towns, which have any, as to those which have no Sheriffs, to avoid the Passing any Account.

In respect to the Creation Fees, there is no doubt of the Parties being intitled; and it is very Evident that until the Sales of Rents, and Landed

Estates of the Crown, formerly in Charge of the Sheriffs, and by the Amendments of the Laws, there was always a sufficient Fund liable to the Payment of them — It seems therefore but a Matter of Common Justice, & highly becoming the Dignity and Honor of the Crown, that the Creation Fees should be regularly paid out of the Land Revenues, as well as the said annual salaries; upon a Production of such Debentures from the Auditor, as he usually Issues for other Salaries and Stipends.

But as it may best tend to lessen Expence and Trouble, to reduce the Claims of the Lords of Liberties to a fixed annual Sum, it is proposed to insert a Clause in the Bill, for authorizing the Board of Land Revenue (or the Lords of the Treasury) and the Lords of Liberties, to Compound for Claims, by the allowance of a certain annuity, chargeable on the Landed Revenues, to be ascertained by a Retrospect of the Profits, to be taken at a medium, for the last 20 years, and to be paid out of the said Revenues.

Such parts of the Two Acts of the 3^d. Geo. 1st. as militate against the new Establishment, must of course be repealed.

(Good Effects resulting from the Reform.)

By adopting this or any other similar Plan the Sheriffs will be relieved from passing any Accounts, and the Crown from the Expence of them; The present Intricate Sistem [System] of returning the Estreat Rolls, and Issuing them from such a variety of Offices, attendant with unnecessary delays, will be changed into an Easy Simple Mode of proceeding, suited and adapted to the Nature of the object; the Execution of Sentences of Courts of Justice will be greatly advanced; the Persons, who unfortunately are the objects of the Process to the Sheriff, and unable to pay the Forfeit, will after having satisfied the Law by a temporary Improvement [Imprisonment] be intitled to their Discharge. The Sheriffs will not only be relieved from part of their Duty, in respect to the Collection of Rents, & their Apposals and Accounts, and no longer sustain a Loss on receiving Post Fines, but will also be relieved in their Consciences (for at present it is impossible they can Answer truly in respect to the King's Debts according to the Oath they take) The King's Revenue will be increased, and the whole of this Casual Income will be put into a Mode of Management and Collection, best suited to its Nature, and most likely to be made Productive, instead of a Constant Expence.

PART THE SECOND

CONCERNING THE ISSUES OF GREEN WAX ARISING BY
FINES SET IN THE COURTS OF KINGS BENCH.

All forfeited Recognizances and also all Fines and Issues set in this Court, are if unpaid, Estreated into the Exchequer to be levied. Such Fines as are imposed by the Court upon Persons found Guilty of Misdemeanors upon Indictments, or Informations in the Crown Office are in General paid into the Hands of the Master of that office, in his Capacity of Coroner, who delivers an Estreat thereof upon Oath to the Exchequer for every Term. But he does not, like Clerks of Assize, and of the Peace, pay the Money over to the Sheriffs, but he becomes himself the Accountable Officer to the Crown. — As such, his Accompt is made up by the Clerk of the Pipe, and the Coroner is apposed upon his Rolls before a Baron at Westminster, and upon the Statement of his Account he pays the Ballance to the Surveyor of the Greenwax Whose Receipt is a Warrant to the Clerk of the Pipe, to Grant him a Quietus in the usual Form.

The last perfected Account of a King's Crown[er] is that of Sir James Borrow commencing in the 32^d. year of George 2^d. and ending in the 17th year of King George the 3^d.

The Net Money received by the said Coroner within that Period (after deducting the Claims of Lords of Liberties) Amounted to £4,866. .19. .9 Which Sum Constitutes the whole Charge upon him; and from which he was discharged, by an Allowance of £720. for the Amount of a Customary Fee of £10 3^d Term paid out of the said Fines to the Second Judge of the King's Bench for Charges to Juries. — The Sum of £180, being the Amount of £10 3^d Annum for the Fees of the Officers of the Exchequer for making up the said Account, and £3966:19:9 paid by the Coroner to the Surveyor of the Greenwax.

Should a Reform be made in respect of the Sheriffs Accounts, it will be necessary to direct that the Coroners Account shall be made up, and the Balance paid Annually after the same Course, as shall be directed in respect of Sheriffs.

PART THE 3^d.CONCERNING THE REVENUES COLLECTED BY THE
SHERIFFS OF THE COUNTIES PALATINE OF DURHAM
LANCASHIRE AND CHESHIRE.

As to Durham, the Office of Sheriff is solely in the Appointment of the Bishop of that See, and is usually Granted for the life of the Grantee.—The Bishop being intitled to all kinds of Fines and Forfeitures the Sheriff of Durham passes his Account in the Bishops Exchequer, and not in that of the King — All Process's into Durham from the Superior Courts are directed to the Bishop requiring him to Command his Sheriff under the Seal of his Bishoprick to Execute the same.

The Sheriffs of Lancaster and Chester Account before the Auditor of the Land Revenue—Their Process like those of Durham are not addressed to the Sheriff, but to the Chancellor of the one, and the Chamberlain of the other; and they send Precepts under the County Seals to the Sheriffs to execute those Processes.

The Sheriff of Lancaster is appointed by the King, Annually by Patent, not under the Great Seal, but under the County Seal only, He is never apposed in Person in the Exchequer, but makes returns to his Processes, and Transmits them to the several Officers and his Town Agent procures and leaves . . . with the Auditor, the Certificates from the several Officer's of the Treasurer's Remembrancer, Kings Remembrancer, First Fruits and the Pipe, of Monies levied or as is usually the Case that none have been levied; from which Certificates the Auditor is enabled to State his Account — This Sheriff has, like other English Sheriffs, a regular Annual Bill of Cravings, which undergoes the same Ceremonies as those of other Sheriffs.

There are no Viscontiel Rents or Seizures in Lancashire — The Issues of Greenwax are in Grant, and are not levied under any Process from the Exchequer, unless when any by chance arise out of the County upon Persons described to live in the County and are Estreated to the Exchequer and sent in Process without the knowledge of the Grantee or for want of his making a Claim thereto — In other respects this Sheriffs Account differs not from those of other Sheriffs — It rarely happens, that any Taxes are sent to be levied in Lancashire, and as to Felons Goods they constitute part of the King's Revenue answered for

in the Duchy, so that the Account of the Sheriff of Lancashire (Excepting in the Case above mentioned) is more a nominal than real Account; for it contains nothing by way of Charge, nor any Allowance in the Discharge excepting his Bill of Cravings (usually about £50) which of Course creates a Surplusage of that Sum; for which he sues out a Warrant of Surplusage to be paid at the Exchequer like other Sheriffs—His Quietus is Granted as a Matter of Course by the Auditor.

Altho' ten times, out of eleven, the Lancashire Account is passed merely for forms sake, the Fees paid for it, and for the Patent, and allowed out of the said Fund of £3600 by the Crown; amount to £67, besides a further Considerable Charge made on the Sheriff by his Agent for Solicitation.

The Sheriff of Chester is apposed Personally before the auditor of the Land Revenue on his Circuit, for all Monies received for Felons Goods, and Issues of Green Wax.—He makes a written Affidavit of the former, & produces the Estreat Rolls for the latter, which are made out and signed by the Prothonetary [Prothonotary] for the Grand Session or assize holden at Chester, and by the Clerk of the Peace under the Hands and Seals of three of the Justices of the Quarter Sessions.—These Rolls are kept by the auditor who on his Return from the Circuit, and being supplied with the like Certificates, and Bill of Cravings as before mentioned, he makes up the Account, which undergoes the same Ceremonies in all respects as that for Lancashire; and on Payment of the Balance, if any, to the Surveyor of Green Wax, the auditor Grants his Quietus—But as the Post Fines arising in Cheshire are not charged on the Sheriff, he hath generally a considerable Surplusage due to him from the Crown on the Close of his Account, which is paid at the Exchequer on the usual Warrant and Letter from the Treasury.

The Post Fines of Cheshire together with the Prefines were last demised by Lease from the Crown in 1763 for 31 years unto Tho^s. Hunt Esquire, upon a Surrender of a former Lease, and upon Payment of a Fine of £650 and under a reserved Rent of £66..13..4. which is paid to the Chamberlain of Chester; who also passes an annual Account before the auditor on his Circuit, and pays the Balance if any to the Receiver General.

The last Sheriffs Account passed for Cheshire was for 1779—The whole Charge was only 8^s..6^d. being for Issues of Greenwax—The Discharge was as follows.

| | |
|---|-------------|
| The Sheriffs Patent fee | 20.. - |
| The Auditor's Fee | 1..10 |
| Travelling Charges to the Judges | 20.. - |
| The ordinary of Chester | 2.. - |
| Expences of Justices Dinners at the Quar- ter Sessions | 14.. - |
| Bill of Cravings | 44.. 6..8 |
| <hr/> | |
| Total | £101..16..8 |
| <hr/> | |

so that the Sheriff was in Surplusage £101..8..0 which was paid him at the Exchequer.

The Sheriff receives at the Exchequer out of the before mentioned Sum of £ 3600 the Sum of £62..10.. - as his Quota to pay for his Patent and the Fees of Passing his Accounts.

Should any Reform take place there can be no sort of Impropriety in putting the Casual Revenues of Lancashire and Cheshire upon the same Footing precisely with those Collected by other Sheriffs.

PART THE FOURTH

CONCERNING THE REVENUES COLLECTED BY THE SHERIFFS OF THE TWELVE COUNTIES IN WALES, AND THEIR MANNER OF ACCOUNTING.

There is a Sheriff for each of the twelve Counties in Wales, but none for any City or Town.

They are appointed by Patent under the Great Seal; take the usual Oaths of Qualification, and give Security much in the same manner as Sheriffs for Counties in England; and are allowed at the Exchequer pursuant to the before mentioned Act of 3^d. George 1st £30 each for the Expences of suing out their Patents, and Passing their Accounts.

The Recognizances of the Welch Sheriffs for the due Execution of their Offices, and answering the Revenues thereof, are taken and fyled by the Auditor for Wales, with whom also their Patents are Inrolled.

Their Accounts, and the manner of their Accounting differ from those of England in the several Respects following.

They Account before the Auditor of the Land Revenue for Wales, upon the Auditors Annual Circuit.

They have no Viscontiel Rents in their Collecting, except that the Sheriff for Flintshire used till 1766 to Answer £80..12..2 for Rents called the Tunk—Since 1766 he has answered no more than £13..19..—on Account of the Tunk—The reason Assigned for not Accounting for the Residue is, that the Sheriffs could not Collect it.

The levies for Arrears or Deficiencies of Taxes, or the Post Fines, are never Charged in the Accounts of these Sheriffs—The Post Fines are held by Lease at a small Rent, payable to the Receiver General of the Land Revenues for Wales which at Present is Charles James Fox Esquire, who executes the office by Mr. Moore his Deputy.

The Sheriffs of Wales are not in any Event permitted, like the English Sheriffs, to make a charge in their Accounts of annual Bills of Cravings.—Upon extraordinary Occasions and particularly upon the Execution of Persons for any very enormous Crimes, and for his trouble and Expence relating the Militia, and raising of the Posse Comitatus, the Sheriff makes out a Bill of Cravings and lays it before the Lords of the Treasury who refer it to the Auditor for Wales and on his Report in favor of the Sheriff, their Lordships send a Warrant or Letter to the Auditor, directing him to Issue a Debenture to the Receiver General of the Land Revenue for Wales, to pay the Bill out of that Revenue; These Bills taken for 7 years past for all the twelve Counties, Amount to £ 70 : 16. Communibus Annis.

Nothing is Allowed to the Sheriff in his Account under the Denomination of Poundage, makes to the Sheriffs Allowances for Collecting what they actually receive, according to the Trouble they have had, at his own Discretion, and as they never apply to the Treasury to be paid any Bill of Cravings, but on very extraordinary occasions, the Auditor seems in General to have made the Allowances for the Collections on liberal Principals.

The Sheriffs of Wales pay no Creation Money, nor Taxes, nor Salaries of any kind.

Upon the whole therefore the sums they Collect and answer are confined to the Issues of the Greenwax, imposed or forfeited at the Grand Sessions of Circuit, and at the Quarter Sessions of the Peace, Waifs, Estrays, Felons Goods, and some small Casual Payments called Respits, which are sayd to arise by small Fines paid by the Holders of Estates belonging to the Crown, to Respite or Suspend from year

to year, their Accounting for the just Demands of the Crown upon them; And

The Discharge part of their Accounts Consists of Desperate Greenwax Debts, called Illeivable, Necessary Expences allowed as before mentioned at the Discretion of the Auditor, and the Balances paid by the Sheriffs to the Receiver General of the Land Revenue for Wales. And as the Welch Quietus is printed in a form, which supposes there is always some Balance paid to the Receiver General, [vide Appendix N^o. 14] the Auditor always adjusts the Accounts of every Sheriff in such a manner, as to make a Balance, though it frequently Amounts only to a few Shillings —

An Abstract of the Accounts for 1780 of the Sheriffs for the 12 Counties in Wales is hereafter inserted, by which it appears that the Balances for all the Counties for that year, Amounted only to the Sum of £42. .3. .10. —

The Prothonotarys for the Grand Sessions, and the Clerks of the Peace for the Quarter Sessions once a Year make out Duplicates of Estreat Rolls of Issues of Greenwax, one of which they deliver to the Sheriffs, and the other to the Auditor.

To that Roll which is delivered to the Sheriff is annexed a Process, issued by the Authority, or tested in the Names of the two Judges of the Grand Sessions, by which the Sheriff is Authorized to levy the Debts on the Goods and Lands of the Debtors; but it gives no Authority to attach the Body — The Process is made returnable before the Auditor on his Circuit. But the Prothonotary and Clerks of the Peace frequently delay sending the Process and Rolls to the Sheriff till within a very short time of Holding the Circuit, which prevents the Sheriff from doing his Duty so effectually, as he could, if he had more time. And as it is a Rule to Discharge at the Audit all Debts, not levied upon the first Process, under the Name of Illeivable Debts very little money is levied.

It does not appear that the Estreat Rolls are ever delivered upon Oath, which leaves a very unconstitutional, and improper Power in the Prothonotary and Clerks of the Peace for Wales.

Not only the High Sheriff & undersheriff, but also their Bailiffs, appear before the auditor, and are Sworn justly to account for, & answer all Sums by them levied, or received for the King's Use.

The Auditor is paid by each Sheriff for his Account whether it be long or short a Fee of £8. .13. .4 out of the before mentioned £30 allowed by the Crown, and each Sheriff generally allows the Auditors a further

Gratuity of two Guineas for his Trouble in receiving that £30 for him at the Exchequer, and in attending to pay the Balance of his Account to the Receiver General.

It is conceived, that the Surveyor of the Greenwax, and not the Receiver General, is the proper Person to receive the Balances from the Sheriffs; but the Surveyor of the Green Wax has not received those Balances of late years.

Altho' the Revenues Collected by the Sheriffs in Wales are trifling, and will probably never be considerable; and altho' the same objections do not occur to the mode or Expence of Accounting, as in respect of the English Counties, yet the same principle holds in Wales, as in England, for compelling the proper Officers to return Estreat Rolls, and for the Sheriffs Duly to levy the Money. But the making up any account in form, seems to answer no purpose, but that of incurring unnecessary Expence to the Crown.

If therefore any New System should be adopted in respect to the Sheriffs of England, it may be worthy Consideration, if clauses to some such Effect, as follows, may not be very necessary to be inserted in the Bill for carrying that Plan into Execution — Vizt.

That on the last day of every Assize or Great Session of Circuit, every Prothonotary, and Clerk of the Peace shall deliver to the Senior Judge of Assize, or Grand Session, Duplicates of Estreat Rolls upon Oath; and for Compelling the Prothonotaries within a Short limited time to Issue process thereon to the Sheriffs returnable before the Auditor at his next Audit; or should those audits be discontinued, before the Judges at their next Grand Session.

The Process to be in the form of the English Process; or if it should be thought improper to vary the Old Form, whereby the Body of the Debtor is liable to be attached, as in England, the Process may be confined to the Power of Levying on the Goods and Lands as at Present; Also,

That it shall be part of the Duty of the Junior Judge of the Grand Session to see that such Estreat Rolls are duly delivered, and in default thereof, or of the timely Issuing the Process, that the Judges of Grand Sessions shall Fine the Defaulters, as the Barons may do in the Exchequer of England; & that the Junior Judge shall also transmit or deliver the Duplicates of the Estreat Rolls to the Auditor.

But if the Auditors Circuits should be discontinued, the Judges of Grand Session may be Impowered to appose the Sheriffs on their Processes, & to Certify to the Exchequer at the Foot of every Process, the

money levied, & the Allowance to be made in respect thereof, and the Sheriffs may be compelled to pay the Net Money so Certified to be due, either to the Receiver General, or into the Exchequer, & the Receipt for the same may be a full Quietus.

It is presumed no new Provision is necessary for Impowering the Judges of the Grand Session to Discharge Issues of Greenwax, for they already have and Exercise that Power.—

APPENDIX N^o. I.

AN ACCOUNT of the Charge upon all Sheriffs of Counties in England according to the Great Roll of the Exchequer for the Year ending at Michaelmas 1780.

| | Viscountiel Rents Annually Answered | | | Annual Rents Called Seizures | | | Greenwax | | | Post Fines | | | Taxes | | | Total | | |
|--|--|----|----|---------------------------------------|----|---|----------|----|---|---------------|----|---|-------|----|---|-------|----|----|
| | £ | S | D | £ | S | D | £ | S | D | £ | S | D | £ | S | D | £ | S | D |
| Bedfordshire | 9 | 15 | 11 | . | . | . | . | 13 | . | 25 | 15 | . | . | . | . | 36 | 3 | 11 |
| Berkshire | 27 | 14 | 4 | . | . | . | 9 | 18 | 9 | 84 | 6 | 8 | . | . | . | 121 | 19 | 10 |
| Buckinghamshire | 69 | 14 | 1 | . | 1 | . | 2 | 6 | 6 | 39 | 5 | . | . | . | . | 111 | 6 | 7 |
| Cambridge & Huntingdon- shire | 11 | 3 | 11 | . | . | . | 8 | 10 | 6 | 44 | 5 | . | . | . | . | 63 | 19 | 5 |
| Cornwall | 7 | 19 | 6 | . | . | . | 22 | 4 | . | 68 | . | . | . | . | . | 98 | 3 | 6 |
| Cumberland | 10 | 11 | 3 | . | . | . | 1 | 19 | . | 46 | 10 | . | . | . | . | 59 | . | 3 |
| Derbyshire | 2 | 10 | 1 | . | . | . | 6 | . | . | 65 | 5 | . | . | . | . | 73 | 15 | 1 |
| Devonshire | 35 | 9 | 5 | . | . | . | 141 | 17 | 5 | 71 | 10 | . | . | . | . | 248 | 16 | 10 |
| Dorsetshire | 30 | 2 | 3 | . | 10 | . | 5 | 7 | . | 24 | 15 | . | . | . | . | 60 | 14 | 3 |
| Essex | 10 | 3 | 1 | . | . | . | 18 | 19 | . | 92 | 10 | . | . | . | . | 121 | 12 | 1 |
| Gloucestershire | 87 | 15 | 2 | . | . | . | 11 | 17 | 8 | 129 | 5 | . | 487 | 16 | 8 | 716 | 14 | 6 |
| Herefordshire | 2 | 1 | 1 | . | 1 | . | 15 | 5 | 3 | 104 | 5 | . | 10 | 15 | . | 132 | 7 | 4 |
| Hertfordshire | 2 | 2 | 1 | . | . | . | 20 | 11 | 4 | 80 | 15 | . | . | . | . | 103 | 8 | 5 |
| Kent | 20 | 13 | 9 | . | . | . | 24 | 17 | . | 116 | . | . | . | . | . | 161 | 10 | 9 |
| Leicestershire | 3 | 7 | 4 | . | . | . | 44 | 6 | . | 79 | 10 | . | 83 | 7 | 4 | 210 | 10 | 8 |
| Lincolnshire | 38 | 8 | 4 | . | . | . | 21 | 0 | 2 | 152 | 10 | . | . | . | . | 211 | 18 | 6 |
| London & Middlesex | 76 | 6 | 9 | . | . | . | 116 | 17 | . | 117 | 5 | . | . | . | . | 310 | 8 | 9 |
| Monmouthshire | 2 | 6 | 8 | . | . | . | 22 | 5 | 7 | 12 | 10 | . | 133 | 14 | 5 | 170 | 16 | 8 |
| Norfolk | 86 | 13 | 5 | . | . | . | 53 | 9 | 4 | 77 | 10 | . | 36 | 11 | 9 | 254 | 4 | 6 |

| | | | | | | | | | | | | | | | | | |
|----------------------------|-----|----|----|----|----|------|------|----|------|------|----|---|------|----|------|----|---|
| Northamptonshire | 150 | 15 | 7 | . | . | . | 3 | 19 | 8 | 46 | 10 | . | 9 | . | 210 | 5 | 3 |
| Nottinghamshire | 35 | 12 | 3 | . | . | . | 5 | 19 | 5 | 34 | 5 | . | . | . | 75 | 16 | 8 |
| Northumberland | 7 | 6 | 1 | . | . | . | 24 | 18 | 6 | 24 | 15 | . | . | . | 56 | 19 | 7 |
| Oxfordshire | 51 | 14 | 3 | . | . | . | 12 | 5 | 2 | 34 | 5 | . | 147 | 19 | 246 | 3 | 5 |
| Rutlandshire | . | 10 | 1 | . | . | . | 2 | 2 | 6 | 10 | . | . | . | . | 12 | 12 | 7 |
| Salop. | 4 | 15 | . | 13 | 4 | 17 | 7 | 7 | 3 | 51 | 5 | . | . | . | 74 | . | 7 |
| Somersetshire | 21 | 12 | 5 | . | . | 408 | 2 | 2 | 5 | 111 | . | . | 143 | 4 | 683 | 19 | . |
| Southamptonshire | 7 | 6 | 4 | . | . | 31 | 9 | 10 | 10 | 54 | 10 | . | . | . | 93 | 6 | 2 |
| Staffordshire | 6 | 1 | 7 | 5 | 15 | 26 | 1 | 2 | 84 | . | . | . | . | . | 121 | 17 | 9 |
| Suffolk | 7 | 12 | 6 | . | . | 34 | 18 | 6 | 6 | 89 | 15 | . | . | . | 132 | 6 | . |
| Surry | 4 | 6 | 4 | . | . | 25 | 9 | 8 | 5 | 59 | 5 | . | 53 | 6 | 142 | 7 | 7 |
| Sussex | 3 | 7 | 6 | . | . | 3 | 18 | 7 | 20 | 20 | . | . | . | . | 27 | 6 | 1 |
| Warwickshire | 2 | 17 | 4 | . | . | 19 | 8 | . | 67 | 5 | . | . | . | . | 89 | 10 | 4 |
| Wiltshire | 34 | 13 | 3 | . | . | 12 | 18 | 6 | 32 | 5 | . | . | . | . | 79 | 16 | 9 |
| Westmorland | . | 1 | . | . | . | . | . | . | 73 | 5 | . | . | . | . | 73 | 6 | . |
| Worcestershire | 3 | 7 | 11 | . | . | 44 | 1 | . | 57 | 15 | . | . | 310 | 7 | 415 | 11 | 5 |
| Yorkshire | 40 | 2 | 10 | 3 | . | 87 | 1 | 4 | 209 | 10 | . | . | . | . | 339 | 14 | 2 |
| Totals | 917 | 0 | 8 | 10 | . | 1308 | 6 | . | 2491 | 1 | 8 | . | 1416 | 2 | 6142 | 11 | 1 |
| Deduct* | . | . | . | . | . | 59 | 7 | . | . | . | . | . | . | . | 59 | 7 | . |
| | 917 | 0 | 8 | 10 | 0 | 4 | 1248 | 19 | 0 | 2491 | 1 | 8 | 1416 | 2 | 6083 | 4 | 1 |

* Deduct out of the Greenwax the following Sums, the same having been returned to the Parties on whom the same were levied by Order of the Court of Exchequer (that is to say)

| | |
|-----------------------|-------|
| In Cornwall | 10 |
| Devonshire | 7 |
| Norfolk | 20 |
| Total | £59 7 |

Which being deducted reduces the Money levied for Greenwax Fines to £1248 . 19 . 0. And the Total Amount of the whole Charge to £6083 . 4 . 1.

APPENDIX N^o. 3.

AN ACCOUNT of the Charge of all Sheriffs of Cities and Towns in England taken from the Great Roll of the Exchequer for the Year ending at Michaelmas 1780.

| | Rents. | | Greenwax. | | Post Fines. | | Taxes. | | Total | | Allowed to the Towns & Cities by Charters. | |
|-------------------------------|--------|----|-----------|----|-------------|----|--------|----|-------|----|--|----|
| | £ | s | £ | s | £ | s | £ | s | £ | s | £ | s |
| Bristol | 11 | 9 | 48 | 8 | 19 | 11 | 187 | 15 | 266 | 15 | 22 | 11 |
| Canterbury | 13 | 18 | 4 | 17 | 3 | 0 | . | . | 21 | 16 | 4 | 17 |
| Coventry | . | 1 | 10 | 3 | 17 | . | . | . | 27 | 4 | 16 | 14 |
| Exeter | 1 | 1 | 22 | 13 | 8 | 5 | . | . | 31 | 19 | 8 | 5 |
| Gloucester | 1 | 0 | 10 | 6 | 2 | 5 | . | . | 13 | 11 | 10 | 1 |
| Litchfield | . | 2 | . | . | . | . | . | . | . | 2 | 4 | . |
| Lincoln | 1 | 7 | . | . | . | 10 | . | . | 1 | 10 | . | 10 |
| Norwich | 2 | 7 | 2 | 3 | . | . | . | . | 4 | 10 | 2 | 3 |
| Worcester | . | 8 | . | . | 6 | 5 | . | . | 6 | 13 | . | . |
| York | 5 | 5 | . | . | 12 | . | . | . | 17 | 5 | . | . |
| Kingston upon Hull | 3 | 8 | 1 | 6 | 17 | 5 | . | . | 20 | 14 | 10 | 6 |
| Nottingham | 2 | 14 | 17 | 4 | 4 | 10 | . | . | 10 | 1 | 7 | 4 |
| Newcastle upon Tyne | 4 | 9 | 80 | 0 | 8 | 10 | . | . | 93 | 5 | . | . |
| Poole | 12 | 12 | 2 | 4 | 4 | . | . | . | 6 | 16 | . | . |
| Southampton | 150 | 18 | . | . | 3 | 10 | . | . | 154 | 8 | 153 | 4 |
| | 198 | 16 | 183 | 11 | 106 | 11 | 187 | 15 | 676 | 14 | 225 | 15 |
| | | 0 | | 10 | | | | 6 | | 4 | | 8 |

Deduct what allowed to the Cities for Issues of Greenwax and Post Fines & £150 allowed to the Town of Southampton out of the Quit Rents

And the Sum Total Accounted for by Cities and Towns is

Whereout levied for Taxes and paid to the Exchequer

And then the real Sum Accounted for to the Crown is reduced to

| | | |
|------|----|---|
| 225 | 15 | 8 |
| 450 | 18 | 8 |
| 187 | 15 | 6 |
| £283 | 3 | 2 |

APPENDIX N^o. 4.

Sums Allowed to the Sheriffs of Cities and Towns on their Accounts for the Year ending at Michaelmas 1780.

| | Proffers paid to Exchequer | | | Remainder of Rents paid to Exchequer | | | Bills of Cravings | | | Allowed by Charter | | | Taxes paid to the Exchequer | | | Paid for Stipends on Salaries | | | Balances paid to the Surveyor of the Green Wax | | | Totals | | |
|-------------------------------|----------------------------|----|----|--------------------------------------|----|----|-------------------|----|---|--------------------|----|---|-----------------------------|----|---|-------------------------------|---|---|--|----|----|--------|----|----|
| | £ | S | D | £ | S | D | £ | S | D | £ | S | D | £ | S | D | £ | S | D | £ | S | D | £ | S | D |
| Bristol | 4 | | | | | | 15 | 0 | 8 | 22 | 11 | | 187 | 15 | 6 | | | | 36 | 18 | 7 | 266 | 15 | 9 |
| Canterbury | | 6 | 8 | | 5 | 4 | | | | 4 | 17 | 8 | | | | 13 | 6 | | 3 | 3 | | 21 | 16 | 4 |
| Coventry | | 6 | 8 | | 15 | | | | | 16 | 14 | 5 | | | | | | | 10 | 3 | | 27 | 4 | 1 |
| Exeter | | 6 | 8 | | 6 | 10 | | | | 8 | 5 | | | | | | | | 22 | 13 | | 31 | 19 | 9 |
| Gloucester | | 13 | 4 | | | | | | | 10 | 1 | | | | | | | | 2 | 10 | | 13 | 11 | 2 |
| Litchfield | | 2 | 4 | | | | | | | | | | | | | | | | | | | | 2 | 4 |
| Lincoln | | 1 | | | | | | | | | 10 | | | | | | | | | | | 1 | 10 | |
| Norwich | | 1 | 6 | | | 6 | | | | 2 | 3 | | | | | | | | | | | 4 | 10 | |
| Worcester | | 1 | 6 | | 1 | 5 | | | | | | | | | | | | | 6 | 5 | | 6 | 13 | 1 |
| York | | 5 | 6 | | | | | | | | | | | | | | | | 11 | 19 | | 17 | 5 | 8 |
| Kingston upon Hull | | 1 | 13 | | 1 | 15 | | | | | | 6 | | | | | | | 17 | 5 | | 20 | 14 | 10 |
| Nottingham | | 2 | 6 | | | 9 | | | | 7 | 4 | | | | | | | | | | | 10 | 1 | 9 |
| Newcastle upon Tyne | | 4 | | | | 9 | | | | | | | | | | | | | 88 | 16 | 3 | 93 | 5 | 4 |
| Poole | | | 12 | | | | | | | | | | | | | | | | 6 | 4 | | 6 | 16 | |
| Southampton | | 1 | 3 | | | | | | | {150 and 9} | | | | | | | | | | | | 154 | 8 | 1 |
| Totals | 23 | 11 | 1 | 5 | 0 | 11 | 15 | 10 | 8 | 225 | 15 | 8 | 187 | 15 | 6 | 13 | 6 | 8 | 205 | 13 | 10 | 676 | 14 | 4 |

APPENDIX N^o. 5.

If the Accounts for the Year 1780 of the several Sheriffs for Counties was to be Stated in the Abstract, divested of the net Revenue arising from Viscontiel Rents (which may be more properly Collected by the Receivers of the Land Revenue) and of the Post Fines (which are actually Collected by a Receiver thereof in the Temple) and of the Deficiency of Taxes (which are levied and paid over to the Exchequer) they would stand in the Aggregate, as between the King and his Sheriffs as follows.

| | £ | S | D |
|---|---------|----|----|
| The Sheriffs of Counties Debtors to Cash paid to them at the Exchequer by Act of Parliament of the 3 ^d . Geo. 1 st . to discharge the Expence of their Patents and Passing their Accounts | 3600 | . | . |
| To Cash paid and Allowed them for their Bills of Cravings after Deducting £450. for Rewards for apprehending Highwaymen | 4547 | 11 | 11 |
| To Cash paid them in Discharge of their Surplusages on the Close of their Accounts | 2289 | 10 | 9 |
| Total allowed or paid to Sheriffs | £10,437 | 2 | 8 |

The same Sheriffs are Creditors.

| | | | |
|---|--------|----|---|
| By Cash paid to the Surveyor of Greenwax £586. } 9.5. Whereout deduct his Salary £250. @ Ann. } and remains | 336 | 9 | 5 |
| The Crown was therefore in fact out of } Purse by Sheriffs for the Year } 1780 | 10,100 | 13 | 3 |

Over and besides about £300 for the difference between the Amount of the Proffers paid to the Exchequer and Land Tax, and the Amount of the Viscontiel Rents and Seizures.

APPENDIX N^o. 6.

THE ACCOUNTS of Sheriffs of Cities and Towns for the Year 1780 if divested of Viscontiel Rents (which are more proper for the Collection of the Receivers of the Land Revenues) & of the Post Fines and of the deficiency of Taxes paid to the Exchequer, would stand as between the King and the Sheriffs as follows.

| | £ | S | D |
|--|------|----|----|
| The Sheriffs Debtors for the whole Amount of } Cash arising by the Greenwax } | 183 | 11 | 10 |
| The Sheriffs Creditors by Cash paid out of the } Greenwax to Lords of Liberties } | 42 | 11 | 6 |
| Net Money gained by the Crown . . . | £141 | 0 | 4 |

APPENDIX N^o. 7.

A STATE of the Annual Revenue arising from Viscountiel Rents Collected by Sheriffs for Counties together with the Arrears due thereon taken from the Great Roll in the Exchequer.

| | Viscountiel Rents Annually Ans ^d . by the Crown | | | The Account of Ann ^l . Rents upon which the Arrears have arisen | | | Arrears 1780 | | |
|----------------------------|--|----|-----------------|---|----|-----------------|-----------------|----|------------------|
| | £ | S | D | £ | S | D | £ | S | D |
| Bedfordshire | 9 | 15 | 11 | . | 10 | 11 | 43 | 15 | 8 |
| Berkshire | 27 | 14 | 4 $\frac{1}{4}$ | . | 13 | 8 | 53 | 15 | 10 |
| Bucks | 69 | 14 | 1 | . | . | . | . | . | . |
| Cambridge and Huntingdon | 11 | 4 | . | 11 | 14 | . | 1345 | 1 | 8 |
| Cornwall | 7 | 19 | 6 | . | . | . | . | . | . |
| Cumberland | 10 | 11 | 3 | 7 | . | . | 532 | . | . |
| Derby | 2 | 10 | 1 | . | 10 | 11 | 28 | 9 | 3 |
| Devon | 35 | 9 | 6 | 10 | 9 | 10 | 604 | . | 1 |
| Dorset | 30 | 2 | 3 $\frac{1}{2}$ | 1 | 16 | 1 | 156 | 8 | 4 |
| Essex | 10 | 3 | 2 | 11 | 7 | 2 $\frac{1}{2}$ | 811 | 14 | 0 $\frac{1}{2}$ |
| Gloucester | 87 | 15 | 2 | . | 6 | 10 | 5 | 17 | 10 |
| Herefordshire | 2 | 1 | 2 | 1 | 16 | 9 $\frac{1}{2}$ | 129 | 15 | . |
| Hertfordshire | 2 | 2 | 1 $\frac{1}{4}$ | 1 | 13 | 6 | 101 | 5 | 6 |
| Kent | 20 | 13 | 10 | 18 | . | 11 | 1166 | 9 | 10 |
| Leicestershire | 3 | 7 | 4 | 3 | 11 | 3 $\frac{1}{2}$ | 282 | 2 | 1 |
| Lincolnshire | 38 | 8 | 4 | 10 | 5 | 9 $\frac{1}{2}$ | 141 | 11 | 1 |
| London & Middlesex | 76 | 6 | 10 | 5 | 13 | 5 | 361 | 7 | 6 |
| Monmouth | 2 | 6 | 8 | . | 5 | . | 7 | . | . |
| Norfolk | 86 | 13 | 6 | . | . | . | . | . | . |
| Northampton | 150 | 15 | 7 | . | . | . | . | . | . |
| Northumberland | 7 | 6 | 6 | 3 | 14 | . | 351 | 7 | 4 |
| Nottinghamshire | 35 | 12 | 7 | 14 | . | 4 | 745 | 19 | 6 |
| Oxfordshire | 51 | 14 | 4 | 3 | 12 | 2 | 204 | 15 | 4 |
| Rutlandshire | . | 10 | 1 | 3 | 15 | 4 | 417 | . | 3 |
| Salop | 4 | 15 | 3 $\frac{3}{4}$ | 1 | 10 | 4 $\frac{1}{2}$ | 144 | 7 | 4 |
| Somerset | 21 | 12 | 5 $\frac{1}{4}$ | 6 | 10 | 5 | 296 | 15 | 7 |
| Southampton | 7 | 6 | 6 | 7 | 5 | 8 | 808 | 9 | 10 |
| Stafford | 6 | 1 | 7 | 8 | 8 | . | 636 | 8 | . |
| Suffolk | 7 | 12 | 7 | 14 | 13 | 4 $\frac{1}{2}$ | 963 | 1 | 8 $\frac{3}{4}$ |
| Surrey | 4 | 6 | 4 | 21 | . | 1 $\frac{1}{2}$ | 1618 | 1 | 11 $\frac{1}{2}$ |
| Sussex | 3 | 7 | 6 | 3 | 14 | 2 $\frac{3}{4}$ | 364 | 5 | 0 $\frac{1}{4}$ |
| Warwick | 2 | 17 | 6 | . | . | . | . | . | . |
| Westmorland | . | 1 | . | . | . | . | . | . | . |
| Wiltshire | 34 | 13 | 3 | 2 | 18 | 6 | 25 | 14 | 4 |
| Worcestershire | 3 | 8 | . | 7 | 3 | 8 | 323 | 5 | . |
| Yorkshire | 40 | 2 | 11 | 51 | 15 | . | 3938 | 8 | 4 |
| Totals | 917 | 2 | 10 | 235 | 17 | 4 $\frac{1}{2}$ | 16,608 | 13 | 3 |

APPENDIX N^o. 8.

A STATE of the Annual Revenue arising from Viscountiel Rents Collected by the Sheriffs of Cities and Towns together with the Arrears due thereon taken from the Great Roll in the Exchequer

| | Viscountiel Rents Annually Ans ^d . to the Crown | | | The Amount of Ann ^l . Rents upon which the Arrears have arisen | | | Arrears 1780 | | |
|--|--|----|---|--|----|---|-----------------|----|----|
| | £ | S | D | £ | S | D | £ | S | D |
| City of Bristol | 11 | 9 | 3 | . | . | . | . | . | . |
| City of Canterbury | 13 | 18 | 8 | . | . | . | . | . | . |
| City of Coventry | . | 1 | 1 | . | . | . | . | . | . |
| City of Exeter | 1 | 1 | 9 | 1 | 3 | 4 | 124 | 6 | 8 |
| City of Gloucester | 1 | . | 2 | . | . | . | . | . | . |
| City of Lincoln | 1 | . | . | 9 | . | 2 | 989 | 19 | 4 |
| City of Litchfield | . | . | . | . | . | . | . | . | . |
| City of Norwich | 2 | 7 | 2 | . | 17 | 2 | 79 | 14 | 10 |
| City of Worcester | . | 8 | 1 | . | . | . | . | . | . |
| City of York | 5 | 5 | 8 | . | 1 | . | 6 | 3 | . |
| Town of Hull | 3 | 8 | 4 | . | . | . | . | . | . |
| Town of Nottingham . . . | 2 | 14 | 5 | . | . | . | . | . | . |
| Town of Newcastle upon Tyne | 4 | 9 | . | . | . | . | . | . | . |
| Town of Poole | . | 12 | . | . | . | . | . | . | . |
| Town of Southampton . . . | 150 | 18 | 1 | . | . | . | . | . | . |
| Totals | £198 | 13 | 8 | 11 | 1 | 8 | 1200 | 3 | 10 |

APPENDIX No. 9.

A List of Creation Fees payable by Sheriffs to Nobility.

| Counties | To whom due | Annual Fees | | | To what time paid |
|-----------------------|------------------------------------|-------------|-----|----|---|
| | | £ | s | D | |
| Cambridgeshire | Duke of Rutland . | 20 | 0 | 0 | Lady day 1780. |
| Huntingdonshire | | | | | |
| Northamptonshire | | | | | |
| Rutlandshire . . . | Earl of Westmorland | 20 | . | . | Easter 1765. |
| Northamptonshire | | | | | |
| Cambridgeshire and | Earl of Huntingdon | 20 | . | . | Michaelmas 1737. |
| Huntingdonshire | | | | | |
| Oxfordshire . . . | Lord Say and Seal . | 13 | 6 | 8 | Lady day 1779. |
| Norfolk and Suffolk | Duke of Norfolk . | 40 | . | . | Easter 1767. |
| Surry and Sussex . | D ^o . as Earl of Surry. | 20 | . | . | Easter 1736. |
| Bedford and Bucks | Duke of Bedford . | 20 | . | . | Michaelmas 1781. |
| Somersetshire . . . | Earl of Peterborough | 13 | 6 | 8 | Michaelmas 1781. |
| Derbyshire | The King as Duke of Lancaster | 20 | . | . | } Some Arrears are due but not to any Considerable Amount. |
| Essex | The same | | | | |
| Hertfordshire . . . | The same | 40 | 10 | 10 | |
| Lincolnshire . . . | The same | 20 | . | . | |
| Nottinghamshire . | The Same | 20 | . | . | |
| | | £ | 267 | 4 | 2 |

APPENDIX N^o. 10.A LIST of Annual Salaries or Stipends &c^a. paid by Sheriffs

| Counties and County Towns charged. | To whom payable | Annual Sums paid. | | |
|---------------------------------------|--|----------------------|---|---|
| | | £ | S | D |
| Gloucester | { Earl of Berkley for the Fees of the six Keepers of the Forest of Dean charged upon the Rent reserved by his Lordships Lease of the Manor of Saint Brialles } | 40 | . | . |
| Nottinghamshire . . | { Duke of Newcastle for the Fee of the Ranger or Keeper of Sherwood Forest. } | 9 | . | . |
| Canterbury | To the Hospital of St. Nich ^s . Harble- down | 13 | 6 | 8 |
| Southampton | { To the Corporation out of their Fee Farm Rents } | 150 | . | . |
| | Total per Annum | £212 | 6 | 8 |

APPENDIX N^o. 11.

THE Amount of the Debts Estreated upon the following Rolls in the Year 1779.

| | Clerks of Assizes | £. | S. | D. | £. | S. | D. |
|---|----------------------------------|-------|-----|----|--------|-----|----|
| Northern Circuit | Spring Assize | 21. | 13. | | 59. | 19. | 0 |
| | Summer D ^o . | 38. | 6. | . | | | |
| Norfolk D ^o . . . | Spring D ^o . | 80. | 4. | 0 | 161. | 9. | 4 |
| | Summer D ^o . | 81. | 5. | 4 | | | |
| Midland D ^o . . . | Spring D ^o . | 65. | 2. | 4 | 81. | 7. | 4 |
| | Summer D ^o . | 16. | 5. | 0 | | | |
| Home D ^o | Spring D ^o . | 907. | 3. | 0 | 1489. | 8. | 4 |
| | Summer D ^o . | 582. | 5. | 4 | | | |
| Oxford D ^o . . . | Spring D ^o . | 393. | 19. | 2 | 2626. | 14. | 10 |
| | Summer D ^o . | 2232. | 15. | 8 | | | |
| Western | Spring D ^o . | 888. | 2. | . | 999. | 6. | . |
| | Summer D ^o . | 111. | 4. | . | | | |
| | Total by Clerks of Assize . . . | | | | £5418. | 4. | 10 |
| COMMISSIONERS OF SEWERS | | | | | | | |
| Sessions of Sewers for York Lincoln and Nottingham . . | | | | | 355. | 0. | 0 |
| Sessions of Sewers for Norfolk | | | | | 24. | 0. | 0 |
| Sessions of Sewers held at Lindsey in Lincoln | | | | | 12. | 0. | 0 |
| Sessions of Sewers for Somerset | | | | | 23. | 9. | 8 |
| | Total by Commissioners of Sewers | | | | £414. | 9. | 8 |
| CLERKS OF PEACE. | | | | | | | |
| Bedford | | | | | 32. | 8. | 8 |
| | Carried over | | | | | | |

| | | |
|---|-------------|----------------|
| Brought over | £ | 32. 8. 8 |
| Berks | 10. 10. 0 | } 16 9 8 |
| Borough of Reading | . 1. 1 | |
| Town of Workingham | . . 6 | |
| Borough of New Windsor | 5. 18. 1 | |
| Bucks | | 40. 1. . |
| Cambridge | 11. 12. 0 | } 62. 16. 0 |
| Isle of Ely | 51. 6. 0 | |
| Cornwall | | 20. 2. 4 |
| Cumberland | | 43. . . |
| Derby | | 222. 11. 0 |
| Devon | | 1028. 7. 8 |
| Dorset | | . 7. 6 |
| Essex | 951. 18. 0 | } 952. 2. 0 |
| Borough of Harwich | . 4. 0 | |
| Gloucester | 77. 9. 0 | } 77. 11. 0 |
| Boro' of Tewkesbury | . 2. 0 | |
| Hertford | 64. 3. 0 | } 88. 6. 0 |
| Boro' of Hertford | 3. 1. 0 | |
| Liberty of St. Albans | 21. 2. 0 | |
| Huntingdon | | 31. 15. 0 |
| Hereford | | . 7. 0 |
| Kent | | 40. 3. 0 |
| Leicester | | 60. 4. 6 |
| Lincoln { Lindsey Division | 21. 9. 6 | } 94. 5. 10 |
| { Holland D ^o | 10. 5. 10 | |
| { Keskver D ^o | 41. 18. 8 | |
| Boro of Boston | 20. 11. 10 | } 15216. 12. 4 |
| Middlesex | 7962. 19. 0 | |
| Westminster | 3938. 13. 4 | |
| Citizens of London £2239.16.0 let over to the city | | |
| The Goal delivery for Newgate | 1115. . . | |
| Kings Bench | 2200. . . | } 2. 16. 6 |
| Monmouth | | |
| Northton | 5. 8. 0 | |
| Liberty of Peterborough | 7. 11. 0 | } 12. 19. 0 |
| Norfolk | 21. 11. 6 | |
| Boro' of King's Lynn | 1. 2. 6 | 22. 14. 0 |
| Carried on | | £18066. 0. 0 |

| | | | | |
|--|-----|---------|-----|-------|
| Brought on | £ | £18066. | 0. | 0 |
| Northumberland | | 4. | 5. | 0 |
| Nottingham | | 77. | 13. | 10 |
| Oxford | 20. | 16. | 4 | } 60. |
| Town of Henley upon Thames | 40. | 0. | 0 | |
| Rutland | | 10. | 0. | 0 |
| Salop | | 325. | 4 | . |
| Somerset | | 2. | 14. | . |
| Suffolk | | 22. | 9. | . |
| Southton | | 209. | 4. | . |
| Stafford | | 3. | 2. | . |
| Surry | | 1292. | 19. | 4 |
| Sussex | | 31. | 17. | 0 |
| Warwick | | 59. | 3. | . |
| Westmorland | | 80. | 5. | . |
| Wilts | | 228. | 16. | 2 |
| Worcester | | 41. | 8. | 0 |
| York { East Riding } | 1. | 9. | 0 | } 83. |
| York { North D ^o . } | 15. | 11. | 6 | |
| York { West D ^o . } | 66. | 9. | 5 | |
| Total by Clerks of Peace for Counties | £ | 20,599. | 6. | 7 |
| City of London (but being set over to the City is not to be added) | | . | . | . |
| City of Bristol | | 21 | 1 | 0 |
| City of Canterbury | | . | 9 | 0 |
| City of Gloucester | | 3 | 9 | 0 |
| City of Norwich | | 423 | 0 | 0 |
| Town of Kingston upon Hull | | . | 10 | 6 |
| Town of Nottingham | | 1 | 10 | 6 |
| Town of Poole | | . | 13 | 4 |
| Town of Southampton | | 150 | . | . |
| Borough of Lancaster | | 10 | . | . |
| Totals by Clerks of Cities and Towns | | £611 | 13 | 4 |
| Carried over | | | | |

TOTALS COLLECTED

| | |
|----------------------------------|----------------|
| Clerks of Assize | £5418..4..10 |
| Commissioners of Sewers . . . | 414..9.. 8 |
| Clerks of the Peace for Counties | 20599..6.. 7 |
| Ditto for Cities and Towns . . | 611.14.. 4 |
| Total | £27,043.14.. 4 |

Out of the above Sum are to be deducted the fines received in Courts and set over to Lords of Liberties which at the utmost did not exceed £500.

The remainder went in Process to the Sheriffs for 1780 in which Year the Sum answered by the Sheriffs to the Crown was £1432 . 10 . 10. Which not only includes all that was received in Court, and levied by the Sheriff out of the above Amount, but also all Remanet Debts of former Years, levied that Year.

APPENDIX N^o. 12.

A List of Claimants by Grants allowed in Ancient or Modern times by the Court of Exchequer of Post Fines and Issues of Greenwax.

| | | Species of Allowance |
|-------------|--|---|
| Berks . . . | The Manors of Wargrave &c. . . | Post fines and Greenwax |
| | The Bishop of Ely | Ditto |
| Cant . . } | The Dean of Ely | D ^o . |
| Hunts . . } | The Town of Cambridge | D ^o . |
| | The Master & Scholars of King's Colledge Cambridge | D ^o . |
| Devon. . . | The Possessor of the Manor of Colleridge | D ^o . |
| | The Earl of Salisbury for the Manor of Cranborne | D ^o . |
| | The Earl of Salisbury for the Hundreds of Beaminster and Whitchurch | D ^o . |
| Dorset. . . | The Earl of Bristol for the Hun- dreds of Sherborne and Yet- minster | D ^o . |
| | The Hundred of Kingston Lacy | D ^o . — No Entry of the Particulars but the Claim of Post fines has been Allowed within these ten Years by the Clerk of the Pipe. |
| Derby. . . | The Men of the Town of Derby. | Post fines & Greenwax |
| | The Bishop of London | D ^o . |
| | The Dean of St. Pauls | D ^o . |
| | The Possessor of the Manor of Chelmsford | D ^o . |
| Essex . . . | The Possessor of the half hundred of Witham Parcel of the Pos- sessions of the Priory or Hospital of St. John in Jeru- salem | D ^o . |
| | The Manor of Harwich & Dover Court | D ^o . |
| | The Possessor of the Hundred of Beccontree | D ^o . |
| | The Archbishop of York within the Manor of Ripon &c. | D ^o . |
| | The Possessor of the Manor of Sherborne | D ^o . |
| Ebor. . . . | The Bishop of Durham | D ^o . |
| | The Possessor of the Manor of Whitby | D ^o . |
| | The Bailiffs &c. of the Borough of Scarborough | D ^o . |

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| Gloucester. | The Dean of Westminster . . . | Post fines and Greenwax |
| | The Possessor of the Hundred of Pocklewick | } D ^o . |
| | The Possessor of the Manor &c. of Barton Regis near Bristol . . | } D ^o . |
| | The Bailiffs &c. of Tewskbury . . | This liberty does not take Post fines but Fines C ^d . at the Assizes only. |
| Hereford . . | The Possessor of the Seven Hundreds of Cirencester | } Post fines and Greenwax |
| | The Citizens of Hereford | } D ^o . |
| | The Earl of Salisbury within the Hundreds of Branghing and Hertford | } D ^o . |
| Hertford . . | The Liberty of St. Albans | } D ^o . |
| | The Possessor of the Manor of Cheshunt | } D ^o . |
| Kent | The Possessor of the Manor of Ware | } D ^o . |
| | The Bishop of London | } D ^o . |
| | The Dean and Chapter of St. Pauls | } D ^o . |
| | The Archbishop of Canterbury | } D ^o . |
| | The Dean and Chapter of Canterbury | } D ^o . |
| | The Possessor of the Manor of Eltham | } D ^o . |
| | The Possessor of the Manor of Sevenoak D ^o . | } D ^o . |
| | The Possessor of the Manor of Lyminge | } D ^o . |
| | The Possessor of the Manor of Ashford | } D ^o . |
| | The Baron and good men of Cinque Ports | } D ^o . |
| | The Possessor of the Royal Manor of Wye | } D ^o . |
| | The Gurats and Commonalty of Romney Marsh | } D ^o . |
| | The Gurats &c. of Greenwax & Milton | } Fines and Amerciaments before the Clerk of the Market only |
| | The Bishop of Rochester | } Post fines and Greenwax |
| | Mayor and Citizens of Rochester | } D ^o . |
| | The Men of the Town of Maidstone | } No Post fines. |
| | The Possessor of the Hundreds of Wrotham | } Post fines & Greenwax (discontinued) |
| | The Possessor of the Manor of Queen Court &c. | } Post fines & Greenwax |

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| Lincoln | The Earl of Exeter for the Soke of Kirton | D ^o . |
| | The Liberty of the Borough of Boston | D ^o . |
| | The Liberty of the Town of Grimsby | Q ^y . |
| London and Middlesex | The Liberty of the Bishop of London | Post fines and Greenwax |
| | The Liberty of the Dean & Chapter of Westminster | D ^o . |
| | The Possessor of the Manor of Stepney. | D ^o . |
| | The Possessor of the Manor of Hackney | D ^o . |
| | The Possessor of the Manor of Harrow on the Hill | D ^o . |
| | The Possessor of the Manor of Henden | D ^o . |
| | The Liberty of St. Katherine's | D ^o . |
| | The Liberty of the Dean & Chapter of St. Pauls | D ^o . |
| Monmouth | The Mayor & Citizens of London | All Fines & also Recognizances |
| | The Earl of Pembroke for the Manor of Usk | Post fines & Greenwax |
| | Edward Morgan Esq ^r . for the Lordship & Manor of Edlegan | D ^o . |
| | Edward Earl of Worcester for the Manors of Chepstow and Ragland | D ^o . |
| | The Liberty of the Duke of Norfolk | D ^o . |
| Norfolk | The Master & Scholars of King's Colledge Cambridge | D ^o . |
| | The Liberty of the Hundred of Clackclose | D ^o . |
| | Edw ^d . Bell Esq ^r . within the Manors of Upwell & Crotwell | Post Fines & Fines and Amerciament before the Clerk of the Market |
| | The Borough of Kings Lynn | No Post fines but other Fines. |
| Northton | The Borough of Yarmouth | Q ^y . |
| | The Earl of Exeter for the Manor of Nassoburgh | Post fines & Greenwax |
| | The Men of the Town of Northampton | Q ^y . |
| | The Possessor of the Hundreds of Polebrook Huxlow & Navesford | Post fines & Greenwax Duke of Montague |

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| Nottingham | The Liberty of the Archbishop of York | Post fines & Greenwax |
| Oxford . . . | The Liberty of the Bishop of Winton | D ^o . |
| | The Burgesses of Oxford | Q ^r . |
| | The Possessor of the Liberty of Oswestry | D ^o . |
| | The Possessor of the Manor of Clum | D ^o . |
| Salop. | The Possessor of the Manors of Shetton otherwise Church Shetton Bettfield and Mynton | No Post Fines but other Fines |
| | The Possessor of the Manors of Acton Round Doddington Tymerton and Cardington | Post fines & Greenwax |
| | The Possessor of the Manors of Whittington & Middleton | D ^o . |
| | The Possessor of the Manors of Ryton Kymersley & Milvorley | D ^o . |
| Salop | The Men of the Town of Bridgworth | D ^o . |
| | The Men of the Town of Shrewsbury | D ^o . |
| | The Men of the Town of Wenlock | D ^o . |
| | The Bailiffs and Burgesses of Bishops Castle | D ^o . |
| | The Possessor of the Manors of Shrawarden ^a . Shrawden & Butlers Felton | D ^o . |
| | The Burgesses of the Town of Ludlow | D ^o . |
| | The Bishop of Winton for the Hundred of Waltham Eastmeane | D ^o . |
| Somerset. | The Bishop of Bath and Wells | D ^o . |
| | The Possessor of the Manor of Glaston | D ^o . |
| | The Duke of Norfolk for the Manor of Bongay | D ^o . |
| | The Liberty of Ethelred | D ^o . |
| Suffolk. | The Liberty of the Hundred of Blythinge | No Post fines but others |
| | The Liberty of the Hundred of Wanglow | The Like |
| | The Liberty of Eaton Colledge near Windsor | D ^o . |
| | The Men of the Town of Ypswich | D ^o . |
| | The Liberty of King's College Cambridge | Post fines & Greenwax |
| | The Liberty of St. Edmunds Bury | |

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| Southton. | The Liberty of the Bishop of Winton | } | Post fines & Greenwax |
| | The Liberty of the Citizen of Winton | | |
| | The Liberty of the Manor of Christchurch | } | D ^o . |
| | The Liberty of the Manor of Alton | | |
| | The Dean & Chapter of Winton | } | D ^o . |
| | The Possessor of the Hundred of Redbridge | | |
| | The Possessor of Ringwood . . . | } | D ^o . |
| | Henry Earl of Southampton for the Manors of Titchfield Swanwick Walworth & Coffham C ^d . | | |
| Surry. | The Bishop of Winton for the Hundred of Farnham | } | Issues of Jurymen at the Assizes & fines and Amerciaments before the Clerk of the Market. |
| | The Earl of Exeter within the Manors of Wimbledon Putney Barnes and Moatlake | | |
| | The Mayor & Citizen of London within the Borough of Southwark | } | D ^o . |
| | The Possessor of the Manor of Godalming | | |
| | The Men of the Town of Kingston upon Thames | } | Post fines & Greenwax |
| | The Liberty of the dean & Chapter of Canterbury | | |
| | The Liberty of the Archbishop of Canterbury | } | D ^o . |
| | The Liberty of the Duke of Norfolk for the Manors of Dor-kinge & Reigale | | |
| Sussex | The Liberty of the Rape of Arundel | } | D ^o . |
| | The Liberty of the Rape of Bramber | | |
| | The Liberty of the Rape of Lewes | } | D ^o . |
| | The Liberty of the Rape of Hastings | | |
| | The Liberty of the Bishop of Chichester for the Manor and Hundred of Maywood C ^d . | } | D ^o . |
| | The Barons and good Men of the Cinque Viz ^t . Within the Port of Hastings | | |

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|------------|---|---|---|--------------------------------------|
| Sussex | { | The Possessor of the Manor of Mayfield | { | Post fines & Greenwax |
| | | Rich ^d . Earl of Dorset for the half hundred of Loxfield | | D ^o . |
| Worcester. | { | The Liberty of the Dean and Chapter of Westminster . . | { | D ^o . |
| | | The Liberty of the Bishop of Winton | | D ^o . |
| | | The Liberty of the Bishop of Salisbury | | D ^o . |
| | | The Liberty of the Hundred of Chippenham | | D ^o . |
| | | The Earl of Pembroke for the Manor of Ramsbury | | D ^o . |
| | | In all the Counties except Cornwall & Salop | | |
| | | The Dutchy of Lancaster | | Post fines & Greenwax & Felons Goods |

APPENDIX N^o. 13.

A List of the Officers of the Court of the Exchequer intituled to receive Fees from Sheriffs on their Apposals and Accounts for the King's Revenues.

The Cursitor Baron.²⁶

His Clerk.

The two Auditors of the Land Revenues, in their respective Counties.

The Treasurers Remembrancer.²⁷

His first Secondary.

His Second Secondary.

His three Sworn Clerks in their respective Counties.

His Filazer.²⁸

The Clerk of the Pipe.²⁹

His First Secondary.

His Second Secondary.

His Six Sworn Attorneys in their respective Counties.

The Under Clerks.

The Comptroller of the Pipe.

His first Clerk.

His second Clerk.

His third Clerk.

The foreign Apposer.

His Deputy and Chief Clerk.

The Clerk of the Estreats.³⁰

His Sworn Clerk.

The Clerk of the Nichills.³¹

The Secretary to the Chancellor of the Exchequer.

The Portubag.

The King's Remembrancer.

His Deputy.

The Attorney who fyles the Writs.

The Remembrancer of the first Fruits and Tenths.

The Marshalls of the Court of the Exchequer.

The four Ushers.

The Court Keeper.

The Messenger.

The Tipstaff.

²⁶ An officer who administered oaths to the sheriffs and various other functionaries.

²⁷ The remembrancer was a sort of recorder.

²⁸ An officer who filed original writs and made out processes on them.

²⁹ An officer who had certain duties connected with the pipe or revenue roll.

³⁰ A clerk who extracted or copied from court records and presented them for prosecution in the Exchequer.

³¹ A clerk who entered reports of the sheriff that a debtor was *nihil*, "nothing worth."

APPENDIX N^o. 15.

From Lord Hale's Manuscript Work "For the Amendment of the Law."

CHAPTER 6.

"Concerning those Inconveniencies, that
"are in the Management of the King's
"Revenue, and the Remedy thereof."

First . . . The King hath several small Rents arising dispersedly, some out of whole Townships, some out of Particular Lands. They are for the most part known by the Names Viz^t. 1. Viscontiel Rents; which arise to a Pretty Sum, but are Successively Lost, because they are but small, and not well known where to be levied. These are under the Sheriffs Collection, and are for the most part within the charge of the Pipe. 2^d. Chantry Rents, arising by small Sums of 6^d. — 12^d. — 2^d. &^c. out of several Lands; and these are within the charge of Receivers and Auditors; and in respect of their smallness, distance and uncertainty of the Things Charged, being Rents in Gross and rarely parcel of any Manor, nor yet Farm Rents, only arise to about £6,000 per Annum.

These Rents are rather a Burthen to the King, than a Profit. 1st. In respect of the Charge of their Collecting. 2^d. In respect of their obnoxiousness to be lost.

And they are a Charge to the People many times five times the Rent; for if they Chance to be behind, the Officer distraining, Exacts more for the Distress, than the Rent comes unto; and many times the Charge of the Acquittance, or bringing of the Rent to the Audit, is more than the Rent comes to; And for the Viscontiels they are a Charge to the Sheriff in Collecting which one time or other is cast upon the King.

I could wish that these small Rents, and Rents of this Nature were exposed to sale and sold. The King might sell them to the Owners of the Lands chargeable with them at as good Rates, as they are worth, or I am sure a better Value, then they are of being kept.

But I would not have the Kings Revenue Impaired [impaired] thereby, but the same to be forthwith laid out in Purchase of Demesne Lands; which may be set from seven Years to seven Years at a Rack Rent.

This Rent will every seven Years improve and amend, as Trading Commerce and People Increase; Whereas Quit Rents stand at a Stay, whatever Improvement fall upon Land. And hence it is that those Quit Rents, which possibly at the first Reformation, bore a third or fourth part of the Value of the Lands, out of which they were reserved, are not now the fortieth nor the hundredth part thereof. Besides, this could not be lost, as the Quit Rents are, and is a more honorable and profitable Revenue by much.

2^d. I could wish some of the King's Park's Forests and Chaces were improved. But then I think, that none of the King's Desmesnes, nor any of his Lands that are not Parcel of Manors, should be let out at small Rents, and for Lives or long Terms of Years, but that either they be let at Rack Rents, or at least for such Fines, as would consist with a Reservation of the full Moiety of the Value by the Year, and for Terms not exceeding twelve Years at most. For most plainly the Fines, that are taken in these Cases, shrink to nothing — passing thro' so many Hands before it comes into the Exchequer; and the King's Yearly Revenue of his Lands is thereby reduced to very little.

Whereas the Ancient Demesnes, and the new Acquests of the Crown, if thus improved, would arise to a Stable fixed, great, and honorable Revenue, and would not be Subject to that loss, and flux that his other Revenue is.

3^d. Touching Lands left by the Sea, we find very many, and very troublesome Suits; the Subject vexed; that Projectors make advantage and the King bears the undeserved odium of it, and in Conclusion gains nothing else by it. — And yet it is possible, that vast Improvements may be gotten from the Sea in Success of Time, which yet may be encroached by the adjacent Owners. I think it may be a just and a Profitable Law, that those, that have been in possession of Shoares and relict Lands for forty Years last past, should quietly enjoy them without Question; and that there should be set up Posts and Marks round about the Kingdom for the discrimination of what is now held, from what shall be afterwards acquired; to the end that what lyes without the Extent of those Bounds may unquestionably be the King's, excepting only such Salt Rivers, where the Subject hath by Grant or Prescription, the River itself, and consequently the fluvialia incrementa.

4th. I think those Multitudes of officers that are employed in the Collecting and receiving the Kings Revenues, must be retrenched — The Truth is, their Multitude is a Burthen both to the King and People; for the fashion hath always unhappily been, that tho' new Officers are

made, yet the Old are retained, and so the Revenue Shrinks, while the Officers Swell.

I do not know, but that the whole Inland Revenue of the Crown might be answered with one half and less, of the Officers, that are employed in it; and a great part of it might be answered, as the monthly assessments were, which brought in their Money roundly, and without that great Charge, and Expence, and uncertainty, which we find in the ordinary way that is used; and yet upon Supers retained upon accounts, the same Process might Issue as now.

But to descend yet to more particulars, (1) I see not of what Use The Treasurer's Remembrancer is, nor those several Officers that are dependent upon it. The Business of that Office may with Equal Ease & greater Convenience and certainty be dispatched by the Kings Remembrancer and his Officers; especially if those Multitudes of English Suits in the Exchequer Chamber by English Bills were abated, and a Stricter hand used for the abridging of those Suits, to such only as Concern properly the King's Revenue, the Officers of the Courts, and those that were really Debtors, Accountants or Fee Farmers under some Considerable Fee Farm; for it is now apparent, that the Great Business of the King's Remembrancer's Office are Suits in the Exchequer Chamber, purely concerning private Persons and Interests, wherein the King is little or nothing concerned; and all upon the fictitious Titling of Bills, as Debtors or Accountants, where really there is no such Thing.

(2^d.) I see no great use of the several Officers relating to the Tenth & First Fruits. The whole Business might be brought into the Officers of the Auditors of the Revenue, and the King's Remembrancer, who might make out Process in the same manner, as the Remembrancer of the first Fruits doth; and the auditor of the Revenue might take accounts, & the accounts might go in the Ordinary Tack of other Accounts in the Exchequer.

But if that Revenue should continue in that separate method, as now it is, yet there be two Things, that would require a necessary Amendment (Vizt) *

1st. The Receiver to be wholly taken away, as an unnecessary Officer, unless it be to keep the King's Money for his own Benefit; for the Receipt may as well be managed by the Remembrancer.

2^d. The Accounts, especially of the Tenth, are without any Controul.

* NB. The Author wrote this Treatise long before the First Fruits and Tenth were appropriated for the Augmentation of Small Livings.

— They may well run down into the Pipe, as other Accounts do. — 3^d. There is a great Defect in the tedious Method of the Sheriffs and Receivers' Accounts, for they keep the King's Money in their Hands from the time of their Receipt, 'till their accounts are passed, which is many times, a year and more, after it is received. If the Revenue shall continue in that way of management, it were fit that these Accomptants should pay in their Money, as they receive it; or be charged with Interest to the King after the Rate of ten $\frac{1}{2}$ Cent. for the same, from the time of their Respective Receipts.

4th. The Comptroller of the Pipe was instituted for a good End, and might be of good Use; But as is now managed, it is an Empty piece of formality and of no Advantage — Let it be rectified, or taken away; & the best Rectification would be, what follows; for that would speedily retrench a Multitude of Offices. (5th.) There are at this day in the Exchequer many great Officers that receive the Profit and Fees of their Office, & neither do not at all attend it, or know not what belongs to it; but only perchance once a Term sit with some formality in their Gowns, but never put their Hands to any Business of their Offices, nor indeed know not how. For Instance the King's Remembrancer, the Receiver, & Remembrancer of the First Fruits; the Usher of the Exchequer; the Chief Marshall of the Exchequer, the Chamberlains of the Exchequer, the Chief Clerk of the Pipe, the Comptroller of the Pipe; and some of the Auditors that I could name. These and some other Nominal Officers, are great Men, enjoy their Pleasures, understand not, or attend not, to their Offices; but dispatch all by Deputies; and by this means an unnecessary Charge is drawn upon the King, and his People, for the Chief Officer hath the profit and the Deputy, he hath some, or else he could not live. If these offices are not necessary why are they continued? If they are, why should they not be executed at the Charge only, which accrues to the Deputy, and the Benefit of the Nominal Officer, that doth Nothing, be retrinched as a needless charge.

The Things, that would be Convenient in this Business, which would possibly Remedy it, are 1st. To reduce the Perquisites of these Offices to such a Medium, as might be sufficient for them that Execute the Business, and to pare off that superfluous redundance; which serves only to maintain an idle Grandeur, that sits still and does Nothing, but take the Amount of their Perquisites at the Terms end — 2^d. — That all persons that are to be appointed Officers in the Exchequer, be personally resident upon their Office, and not to perform by Deputy; and no Office of this kind to be Granted to be exercised per Deputation —

3^d.—That all these Offices may be Granted to Men, Educated & Experienced, and not to Courtiers or Great Men — 4th. That there be no Sale of Offices of this Nature. I do speak it knowingly — The King loseth five times more by any such Office that he sells, than the Profit amounts to; And it is the dearest Gratification of a Courtier or Servant, that can be imagined, and of the greatest Detriment to the King, when an Office concerning the Revenue is made the Reward of that Man's Service, that knows not how to use it: It were more Profit to the King to bestow a Pension to the value of the Office to such a Person, and when he hath so done, to bestow the Office freely upon an Honest Man, that knows how to use it. It is true, I know, many Offices are filled already in this kind; and Reversions upon Reversions Granted; and an Act to Remedy it for the future only, were to make a Provision to begin the next Age. It were worth a present Provision, and an Inspection to be made at present, and Resumption by Act of Parliament to Remedy it, with Allotment of some moderate Pensions to those that would be removed upon this Account, and I believe the King nor People could be no losers by it.

F. RUSSELL
15th. Feb^y. 1783.

Finis.

SMUGGLING

(C) My Lord & Gent^{les}

By command of the Lord
Commissioners of His Majesty's Treasury
I write this to acquaint you that—
their Lordships have resolved that no
man shall be hereafter made a
land surveyor, but he that hath just
served in the place of a Surveyor,
and that no man shall be a
Sub-surveyor but that hath just
served in the place of a Clerkman,
and it is their Lordships desire that
if by any mistake or misinterpretation
any Person not so qualified shall be
nominated by them, either to the
place of Surveyor or Sub-surveyor, that
you do represent the same to their
Lordships by a such Person as admit-
h to the Execution of the said Office.

James Chamberlaine
16th Jan^{ry} 1683

I am my Lord & Gent^{les}

Your most hum^{ble} serv^t

Ans. 20

To the Right Writhe of Lord Vicount
Cheyne & the rest of the Commissioners
of His Majesty's Treasury

DOCUMENT XXX

Proposed Review of the Smuggling Laws

from Mr. Pitt

PROPOSAL

It is proposed that the Laws for prevention of Smuggling and the Regulations and Establishments made by the Commissioners of Customs & Excise should be revised and considered with a view to a more effectual prevention of this growing Evil.

CALCULATIONS AND REMARKS

From the annexed State or Scheme drawn up by my direction from the Returns made to the Board of Excise by their Collectors of the State of Smuggling in their several Collections, and from their reports accompanying those returns, it will appear, that, except in one or two Collections, Smuggling in general has, within these few Years, been extended, and has increased to a very enormous Degree, insomuch that in some Collections the greatest part, and in most of them, many, of the fair Traders & Dealers in Commodities Imported, the Dutys of which are under the Management and controul of the Commissioners of Excise, have been obliged to discontinue their Business, and the Consumption of the Country has in a greater or lesser Degree been supplied in those Articles by the Smugler.

It appears that in the Collection of Barnstaple which comprehends only a small part of Devon, there were in the Year 1773, 177 public Tea Shops, which are now reduced to under 70; and the Occupiers of them have signified their intention of declining Business, as they sell only two or three Pounds in as many Months; and what they do sell, they purchase at the Custom House Sales of Condemned Goods.

The Case is exactly similar with regard to the public Dealers in Spirituous Liquors, and the Effect will be seen in a compare of the Dutys upon Spirits, Coffee and Tea in 1766, with the Dutys upon the same Articles in 1776; in the former Period they Amounted to £1,114,677..12 s..0½ d, in the latter to no more than £1,060,391..5 s..6 d; a Decrease, which considering the increase of Population, and the growing consumption of Tea by all ranks of People, is an Evidence of the great increase of Smuggling.

It is very difficult to make out any Exact Estimate of the Quantities of Exciseable Commodities fraudulently landed, without payment of the Dutys, in any given Period; The forming such an Estimate must in great measure depend upon Conjecture; but the inclosed Account, made up from the best Information that could be procured in some of the principal Collections, will at least, give your Lordship some Idea, and furnish Data whereon to ground a more general Calculation.

And I beg Leave to observe, that this Account will I think be found to deserve the greater Credit, it being formed upon Opinions deduced from long Observation and Experience of Men, Who have no Interest to deceive; Who have the best Means of procuring Information, and Who appear to have taken great pains in collecting the Materials from which the Account is made up.

By this Account it will appear, that in Nineteen Collections only, out of Thirty three, Government sustained a loss of £3,264,550. 19 s. 1 d in three Years last past. These 19 Collections include nearly $\frac{3}{4}$ of the Coasts of England & Wales, and there is good reason to believe that the Loss sustained in the other Collection including the remainder of the Coast, has been in proportion; for in Essex only there has been Seized within three Years last past upwards of 82,000 Gallons of Spirits, 670 Pounds of Coffee, and 28,800 Pounds of Tea, yet smuggling prevails there more than ever, and a single Vessel is said to have landed there 35 Cargoes successively without Loss.

On the Coast of Hants, there have been Seized in the same Period by the Revenue Cutters stationed at the Isle of Wight above 28,900 Gallons of Spirits, 430 Pounds of Coffee and 34,900 Pounds of Tea notwithstanding which, Smuggling in that Quarter is also very greatly increased.

The Quantities of Goods Seized within the Port of Bristol by Excise Officers only within the same Period, are upwards of 6500 Gallons of Spirits 5900 Pounds of Coffee 6100 Pounds of Tea and 4800 Pounds of Soap.

The remaining Divisions not included in the annexed Account are the Ports of London, Chester, and Whitehaven, with part of the Coasts of Devon, Somerset, Wales, Cumberland, and the Counties of Lincoln and Lancaster; Supposing therefore the Quantities of Goods Smuggled in these Divisions to be in the same proportion according to the Length of Coast with those fraudulently landed in the others, the Total of the Goods Clandestinely Imported in One Year at an Average will be 1,619,823 Gallons of Brandy, Arrack and Cordials, 88,231 Gallons of

Rum, 1,303,351 Gallons of Geneva 86,112 Pounds of Coffee, 3,185,620 Pounds of Tea, 3333 Pounds of Candles, 59,333 Pounds of Soap, and 3333 Pounds of Starch; the Duties of Excise upon which Amount to £1,360,299. .5. .6½.

I beg Leave however to Observe, that the Loss sustained by the Revenue is not only Consideration belonging to this growing Evil; the manner in which Smuggling is carried on both by Land & Water, is such as to endanger the publick Safety, and it has of late acquired a Vigour and Consistency subversive both of Law and Government.

Your Lordship will see from the Scheme, that besides the unlawful landing of Goods subject to Duty from on Board Ships returning from Foreign Voyages particularly from the East India Ships, & also from Coasting Vessels of every Denomination, there are not less than 250 Vessels of 20 Ton and upwards not including Row Boats that are employed in no other Business than Smuggling; and that some of these Vessels particularly on the Coast of Sussex, Norfolk, Yorkshire and Wales, are of considerable Size and Strength and of Warlike Equipment, being from 100 to 180 Tons Burthen carrying from 10 to 60 Men well Supplied with Small Arms, and in some Instances mounting Carriage Guns.

It also appears that besides the Smuggling Vessels belonging to the several Creeks and Harbours in England and Wales, the Coasts and particularly those to the North West, West and South West are frequented by very large Smuggling Vessels belonging to Ireland and other parts from which large Quantities of Goods are not only fraudulently but forcibly Landed in defiance of all Controul and so numerous and formidable are these Vessels that our Collector at Carlisle reports that the Smuggled Goods that come into & through his Collection, are landed upon the Galloway and Airshire Coasts upon which they have Vessels of 150 or 200 Tons Burthen mounting 16 or 18 Guns and 30 or 40 Men; that they have not less than 50 Sail of such Vessels belonging to Rush in Ireland and that he is well informed that more Tea and Brandy are Smuggled on these Coasts than when the Isle of Man was private Property.

It is not necessary to State to Your Lordship all the Methods in which this Business is conducted, in General it appears that the larger Vessels bringing Goods from the Coasts of France, Holland and Flanders and from Ireland, bring to at a Distance from the English Coast and land there in Boats well Armed and Manned and that the smaller Vessels watch the Opportunity of running into different Creeks and

Bays, and in Cases where the Cargoes consist principally of Brandy and other Liquors the Casks are sunk at a proper Distance from the Coast where they are readily found again by certain Sea Marks and brought on Shore in small Quantities as Occasion Requires.

The manner in which Smuggled Goods are protected in the Landing them and afterwards disposed of is yet a more serious and Alarming Consideration, for it appears by the Reports of our Collectors that in almost all the Maritime Counties the strength and number of the Men employed in that Business is indeed very formidable insomuch that in some Districts they are capable of Assembling from 500 to 1000 Men, on any extraordinary Occasion and that on Ordinary Occasions the numbers collected to receive the Goods on the Sea Coast is greater or less according to the Quantity and the greater or less Probability of Resistance; but in General greatly beyond any thing that can be brought to oppose them.

These large Gangs which in some Cases carry Fire Arms but generally Bludgeons or loaded Whips which are very dangerous Weapons, after conveying the Goods to certain places of Rendezvous at a Distance from the Sea Coast subdivide into Small Bodies, but still very formidable, by which the Goods are carried to places of Sale in different parts of the Country & to the Metropolis in the Streets of which it is no unusual thing to see Gangs of 10, 15 and 20 Horsemen riding even in the Day time, with Impunity and seemingly without Apprehension of Obstruction.

As the Sole Object of this Paper is to lay before your Lordship a State of Facts only, I shall not enter either into an Examination of the Cause of the great Increase of Smuggling, nor shall I take upon me to point out the Means by which it may be Checked or restrained; the One is sufficiently Obvious to every Mans Reflection and the other depends much upon the State of the Kingdom in other Respects.

[illegible]

NB. In comprehending the Duties, the Rum & Coffee are considered as the produce of the British Colonies & Plantations; and the Tea is estimated at 5/5 Shillings per Pound weight, which cannot be accounted an immoderate Valuation, as the Teas landed in Hants, Sussex, Kent, & Suffolk are most Hyson, Souchong & Green, and as a large part of the Tea smuggled in Counties more remote from the Metropolis, is likewise of great value. — The Duty therefore of the Rum is 4s. 8d per Gallon; of the Coffee 1s 6d, and of the Tea 2s 3d per Pound. —

The Candles Soap & Starch are rated as if made in Britain.

DOCUMENT XXXI

Extracts of the Proceedings of the Association for the protection of Trade against smuggling of Tea, Coffee, Chocolate, and Cocoa Nuts.

1780.
March.

A Memorial presented to the Treasury, praying that the same method of Stocking the Tea Dealers may be adopted in Scotland as in England, and the same Oath administered on delivering up their Excise Books; and that their Lordships will order the Sale of Goods at the Customs in Scotland; this Memorial has been referred by the Lords of the Treasury to the Commissioners of the Customs and Excise in Scotland to report their Opinion, whether the regulations thereby proposed will be of service to His Majesty's Revenue.

A Memorial presented to the Excise, stating an Affray between some Revenue Officers, accompanied by a Party of Dragoons and a Gang of Smugglers at Whitstable, wherein *two of the Dragoons were killed, and two wounded, and the Goods rescued*; and praying that the Commissioners will give directions to their Solicitor to *prosecute the Hundred of the County for the same*; and also praying that sundry Informations, which, for a considerable time past had been lodged at the Excise Office, may be proceeded upon. *No Answer* has been given by the Commissioners to the foregoing Memorial, *though repeated applications* have been made for that purpose.

A Memorial presented to the Excise praying, that the Board will interfere in causing the Keepers of Inns, Taverns, Pleasure Grounds &c^a. to be obliged to enter their Houses at the Excise Office, and write over their Doors, "Dealer in Tea &c^a." as Coffee House Keepers are among Traders directed by the late Act. *No Answer has been given* to this Memorial.

April.

A Memorial signed by the Committee presented to the Treasury, stating the frauds and bad uses made of Tea Permits &c^a. suggesting a few hints by way of remedy, and praying their countenance and support in endeavouring to obtain an Act of Parliament. *No Answer has been given* to this Memorial, *tho' repeated applications* have been made for that purpose.

A Memorial presented to the Treasury, praying the use of the

first Troop of Horse Grenadier Guards and Soldiers to assist the Revenue Officers in the execution of their duty. *No notice was taken by the Treasury* of this Memorial.

A Memorial presented to the Excise praying that the Board will bring forward sundry informations against Offenders therein named, which were lodged sometime before at the Excise Office through the means of the Association; this Memorial the Commissioners *have not answered*, and seem to have neglected; for as the Association are well informed, there are now several informations in the Excise Office which *by some means or other have been deferred beyond the time allowed by the Act of Parliament for lodging the same*.

Intelligence having been received that Count Haslang, the Bavarian Ambassador, keeps a House purposely for secreting and vending smuggled Goods, Mess^{rs}. Newman, Twining, Garratt, and Ellis, Members of the Committee, waited upon the Count to expostulate with him on the Subject, and to beg that he would permit a Revenue Officer to search his House, as Count Cavalli, the Venetian Ambassador had done in a like instance; and at the same time delivered Count Haslang a Letter from the Secretary of the Excise, containing a similar request; but all the Answer he would give to the said Letter, or to their Remonstrances was, that no smuggled Goods were in his House, nor would he permit any Officer of the Revenue to search it.

One hundred and forty four pounds of leaves, dried in imitation of Tea, and seized by Mr. Cooper, Excise Officer (*sic*) near Ringwood Hants, were examined at the Excise Office by Mess^{rs}. North, Ellis, and other Members of the Committee, which they were of Opinion were leaves dried and manufactured, and *no Tea* mixed therewith. May.

Order made by the Committee for the prosecution of Richard Hisscock, in whose House the said leaves were found; in consequence of this Order, a Letter was sent by the Solicitor to Mr. Carmalt, Collector of Excise at Ringwood, desiring that he would cause an Information to be laid against the said Richard Hisscock before a Justice; Mr. Carmalt returned the Letter on account of illness, when Mr. Shutt of Pool was written to, but then time was expired. Mess^{rs}. Newman and Twining, Members of the Committee, waited on the Commissioners of Excise by the Direction of the Association, to entreat that they *would permit the* 17th.

full operation of the laws against divers Offenders whose trials were then coming on before the Commissioners.

In consequence of an Information given to this Association, and transmitted to the Excise, *183^{lb} of Tea were found in some stables in Berkley Mews, and seized by the Officers, and Benjamin Seymour, in whose Custody the Tea was found, was convicted by means of the Association, before the Commissioners of Excise, and committed to Newgate for non payment of the penalty.*

1780. 17th.
May.

A Memorial presented to the Excise, praying an *Inspector General may be appointed over the Tea Department* in Order to prevent the adulteration of Tea &c^a. &c^a. — *No Answer has yet been given to this Memorial.*

28th. June.

At a General Quarterly Meeting of the Committee, Resolved, Mess^{rs}. Newman, Twining, & Garratt, do wait on Sir Grey Cooper, Secretary to the Treasury, to furnish him with the heads and substance of all the Memorials, and other applications which have been made, and presented by the Association to the different Boards &c^a.

5th. July.

In pursuance of the above Resolution, an *Appointment was made with Sir Grey Cooper*, who fixed a day for seeing the above Gentlemen, *who attended at Sir Grey's House* with the necessary Papers *at the hour he had appointed*, but were told he was out of Town; some of the Committee have *endeavoured several times since* to make an Appointment in order to have a conference with Sir Grey; *but to no purpose.*

August.

A Memorial presented to the Excise, praying *an account of the particulars of sundry convictions* which had taken place in consequence of Informations conveyed thro' the channel of this Association. — *Refused by the Commissioners.*

The following Offenders have been convicted before the Commissioners of Excise by means of the Association. — Edward Daniel, Tea Dealer, on five Informations, for not entering in his Excise Book, Tea that he had sold, — Penalty £500. viz^t. (£100 for each Offence) which has been mitigated by the Commissioners to £100. for the whole. Samuel Lloyd, Tea Dealer, convicted on four Informations for the like Offence; — Penalty £400, which has been also mitigated to £100. Robert Davis, convicted on two Informations for the like Offence, Penalty £200. William Jackson and Elizabeth Ireland, Tea Dealers, convicted in the like Offence in £100 each.

DOCUMENT XXXII

An Account of His Majesty's Allowances for Secret Service issued to and paid by Anthony Todd Esq^r. January 5. 1782.

| | |
|--|-------|
| Anthony Todd, Foreign Secretary, Chief of the Secret Office | £750 |
| Edward Willes, Decypherer | 500 |
| Francis Willes, the same | 700 |
| John Maddison, the same | 500 |
| John Ernest Bode, in the Secret Office £300. He had £400 } Salary, but in 1772. £100. of it was given to his Wife . . . } | 400 |
| The same John Ernest Bode, an Extra Allowance granted by } His late Majesty, the 16 th of October 1754 } | 100 |
| The same Person for engraving Seals &c &c | 200 |
| John Ernest Bode jun ^r . in the same Office | 300 |
| William Augustus Bode in the same Office | 300 |
| Frederick Bode in the same Office | 300 |
| Michael Colling, in the same Office | 300 |
| William Michel Sale, in the same Office | 300 |
| George Maddison, in the same Office | 200 |
| Charles Jackson jun ^r . in the same Office | 100 |
| James Sanders, Messenger of the Secret Office | 60 |
| Charles Jackson, Comptroller of the Foreign Department | 60 |
| George Langton, the Deputy Comptroller thereof | 40 |
| | £5110 |
| James Rivers Translator of Spanish and Italian | 400 |
| William Fraser, Translator of German & Low Dutch | 300 |
| Thomas Ramsden, Transmitter of the State Papers | 500 |
| Cuchet Jouvencel, late Secretary to Lord Chatham | 250 |
| Jane Morin, Widow of the late P.M. Morin, Under Secretary of State | 200 |
| | £1650 |
| | £6760 |

DOCUMENT XXXIII

31 July 1782

Mr. Lisle
Abuses in the Revenue
Departm^t. of Customs

Having been many Years, an Officer in the Revenue, I by that means became acquainted with many Abuses, and in my opinion, stand much in need of a strict Enquiry into and a great Reform in —

I will not mention the Abilities, or how well qualified every Officer is for his station, as their Appointments are Favors from their Members, and much more Attention being paid to their Interest as Votes, than to their Abilities and Education for the Duty of their Offices; owing to the Ignorance of some and Inattention of others, the Revenue suffers to a vast amount, and Bribery and Corruption is much practis'd from the Collectors down to the Tidesmen and Extra men; tho' with several Exceptions which by my frequent Inspections on the Coast from Portsmouth to the Land's End I could easily point out — Sometimes, not often, Surveyors General are sent to the Out ports to inspect, but from their living in London, How is it possible they can come to any true Knowledge of the Business in the Country who hurry down, upon Short Notice, and from having no Acquaintance, they cannot get at any Information, of any Frauds that might have been committed, since they have no other persons to apply to, but those people who might themselves have been guilty of neglect. I was a few Years ago appointed upon this Service to Penzance, where I discovered practices very detrimental to the Revenue, which I reported and got the Collector discharged, which Service I performed at my own Expence. — The Cutters that are hired for the detecting Smugglers may have great Opportunities, in this time of Want of Men, of raising many Men for the Navy, by impressing every Man for his Majesty's Navy, who is found with smuggled Goods, and their time much better employed than they chiefly are at present. While I remained in the Service, The King's Share of Seizures I made, and paid in, amounted to £260000. clear of all expences — About Four Years agoe I was induced for Two Reasons to Quit this Service, because I could serve no longer with Honour or Credit to myself; For being connected at Lyme and having some Interest there, and choosing to exercise my own Opinion, and to

give my Vote agreeable to my own Dictates, I thought it more prudent to quit that Service, which I and every other person in my predicament, were threatned we should be dismissed from, if we dared speak against the Interest of the Fanes there.

Lyme has been represented by the Fane Family, since the Year 1734; and the Inhabitants from upwards of 40 Years Trial of them, are so tired of them, that they would undergo any Hardship or suffer any Mortification whatever, in order to get rid of them. — The Inhabitants do not consider themselves represented, as the present Members were elected by Strangers no ways connected with the Town, and who were made Freemen, for the sole purpose of voting at any Election, and never been seen at Lyme at any other time; Instead of which, the Freemen's Sons, Freemen's Apprentices and Freeholders, ought to have their Votes, as they pay the Taxes, bear the Burthens, support the Poor, &c. and their Rights confirmed to them at the Revolution, but since, suppressed and kept from them. — This mode of Representation, calls aloud for a Reform, otherwise the Consequences may be fatal —

Bridport — Every Man paying Scot and Lot in this Borough has a Vote, and Mr. Sturt the Member for the County has the chief Interest there, and very much liked — 'Tis worthy of remarking the Difference of Representation between this Borough and that of Lyme — What Reason is there justly to be given that the Inhabitants Freeholders and payers of Taxes, should have their Voices in one place, and that at another not more than 9 miles Distance, The Inhabitants of the Town should not be represented —

Dorchester — The Interest and Property in this Borough is divided between Lords Shaftesbury and Milton — and each Family returns a Member.

Weymouth & Melcombe — The Major part of the property of this Borough belong to the Stewards — And the Freeholders vote for the Members. Mr. Gabriel Steward is one of the Members and paymaster of the Marines. Mr. Francis Steward is Receiver General of the County of Dorset — Mr. Steward generally nominates himself and one Member, and generally compliments the Minister with recommending the other Two.

Poole — The Pitt Family have much Interest here; tho' this Borough has lately been in Litigation —

Wareham — The members pay a certain Sum to the Executors of the deceased Mr. [name omitted] who purchased a Majority of the Freeholders —

Corf — The property of this Borough is between Mr. Banks and Mr. Bond, and each Family return a Member.

Shaftesbury — This Borough is so remarkable for its Litigations, as not to be worthy Notice —

N:B: If any of the above Hints, should be thought worthy of Notice I shall esteem myself happy in having made them, and if any other thing lies in my power, of being of further Service, to the present Administration, I shall esteem myself more so, in a speedy and Ready Compliance —

DOCUMENT XXXIV

Plan of reform in
the Customs

Aug^t. 1782.

The below are a list of Places useless & the money might be saved — Customs.

| | £ | |
|--|---|--|
| 9 Commissioners at £1200 Ea 5 | | $\left. \begin{array}{l} \text{to be reduced} \\ \text{Immediately and} \\ \text{be provided for} \\ \text{Elsewhere} \end{array} \right\} \text{ or as they die}$ |
| w ^d . do save 4800 | | |
| 10 Patent Searchers of no use at | | |
| all. £700 p ann ^a . Ea 7000 | | |
| 19 Patent Kings Waiters of no | | |
| use at all. £52 do 988 | | |
| Register General of Tobacco the | | |
| whole office of no use. 700 | | |
| diff ^t . places in the Long Room . 5000 | | |
| 10 Landsurveyors 6 w ^d . do at £220 ea save 880 | | to be reduced as they die |
| 6 Additional Landwaiters at 60 . d ^o . 360 | | . do . . do |
| Surveyor Baggage 150 | | . do . . do |
| Surveyor Paper & on the Keys | | |
| 1 w ^d . do do 100 | | . do . . do |
| 3 Surveyors General 2 w ^d . do. 400 Ea . 400 | | . do . . do |
| 5 Jerquers 100 Ea. 3 w ^d . do or 2 . . 200 | | . do . . do |
| Secretarys office about 300 | | . do . . do |
| Inspectors d ^o . 200 | | . do . . do |
| | | <hr/> |
| | | 21078 |

different places at bench. 4½ p r. Cent office

Treasury Receiver, Little Long Room Soliciters to be reduced

Office about 20000 as they die

& all other Inefficient places ab^t. the house. —

41078 saved p r Annum.

N B Every Clerk in the Long Room has 3 or 4 Clerks under him the disposal of which places ought to be in the Treasury Gift as they get more than £500 ꝑ ann^m. some a £1000 each deputy Clerk and as they have no deputation from the Treasury they do all they can to cheat the Revenue as they cant be punished, and it makes this man who is the first Clerk of more Consequence than a Lord of the Treasury as he sells & disposes of all the Clerks places under him so that he has it in his power to give or sell a better place than a Commissioner has Which is a great shame this very great evil might be removed by Admitting no Clerks to Act there but what had a Treasury deputation, they the under Clerks w^d. say to this they w^d. Act as Brokers in spite of the Treasury, but then if they had not a seat in the Long Room it w^d. soon be over, but as every head Clerk has a Seat large Enough to hold 6 or 8 this is the reason they are so Invested with people of no right but Introduced by these head Clerks so in Order to remedy the evil I w^d. recommend to the Treasury to send 3 or 4 deputy Clerks to Each Office in the Long Room with a proper deputation without a Salary | as they have none now from the head Clerk but pay him for their Seat | & Insist on the head Clerk taking them under him and turn those of his Own Appointing out or give them the deputations that are in. Then if any of them did amiss they might be called to a proper Acc^t. Then the Revenue c^d. not be Imposed upon, so if something of this sort was put in Execution the Evil would be removed and every honest man have a Chance to live — and for the greater safety &c of doing business let there be a Committee Chose out of the Principle Merch^{ts}. of different Importers and for one of the Committee to sit at the Board with the Comm^{rs}. by turn every week, to give their oppinion & one bench officer to Assist 3 or 4 days a week as required and knowing business & Viz^t. The Tide Surveyors to be filld up by the Tidesmen And the Inspectors to be filld up from the Tide Surveyors by Rotation & the deputy Kings Waiters & Landwaiters to succeed to Land surveyors & Searchers being all a Similar Employ & which vacancy sh^d. be filld up be men Conversant in the Business & who have had Experience. and the Land surveyors to Succeed to Surveyor Generale & Surveyor Navigation & Bench just as they shall be thought proper to fulfil when they fall off; & all the patent places to be reduced as soon as possible for the good of the Publicke.

I w^d. recommend to you to put all the Officers on a Genteel footing for the Credit of the Nation & give them desent [!] Salaries and not suffer them to take fees to be paid by the Merchant which is disgrace-

ful! You make an Act & charge those fees. then those places w^d. be an Object And they w^d. be afraid of losing them but tidewaters place wont maintain a man. so he is foret to be a rogue a gainst his will or he and his family will starve i [!] had a place in the Office.

DOCUMENTS XXXV-XLII

A LIST OF OFFICERS OF THE CUSTOMS AND MEASURES SUGGESTED
FOR CORRECTION OF ABUSES

XXXV

A List of the Officers
in the Customs —

with a short account of
their respective duties

from S^r. W. Musgrave

7. Aug^t. 1782 —

CUSTOMS

*in every Port there are the following Officers —
within Doors —*

Collector —

He is the principal Officer of the port — his Duty is to take the Entries of all Goods, to Compute & Receive the duties thereon — and once a Month to send his Accounts to the Board with his Ballance to the Rec^r. Gen^l. He is also to inspect & superintend the Conduct of all the other Officers of the port but the voluminous & perplexed Accounts that he is obliged to keep occupie him so entirely that he can find very little time for the other parts of his duty — even if the Coll^{rs}. in general were better qualified for the Service, having been of late years appointed from Country Fox-hunters, Bankrupt Merchants, & Officers of the Army & Navy — without the least previous knowledge of the Business of the Revenue and too late in Life to acquire it — so that they ~~are~~ are totally unfit to keep good order in the port or to be the representatives of the Board which they are required to be in many respects —

[Marginal note in MS.]

NB The Collector sho^d. be skillfull in decimal Arithmetick at least & well versed in All the Laws of the Customs — which is a sort of knowledge that he is not likely to acquire unless he has first served as Dy. Compr. or Surveyor — from one of whom the Coll^r. sho^d. be appointed as is practised in the Excise — and is much more necessary in the Customs where the business is infinitely more perplexed.

Customer —

is an obsolete sine-cure Office held by patent & executed by Deputy formerly when the Customs were farmed he was to send the same Accounts to the Treasury which the Collector transmitted to the Farmers — in order to enable that Board to judge of the Value of the Revenue when the Farm was to be renewed — But as soon as the Customs were put under Commissioners — this Office became useless and ought to be abolished as a fruitless Burthen on trade — it being principally Supported by heavy Fees collected from the Merchants without any benefit to them or the Revenue —

Comptroller —

is also a patent place — and usually converted into a sine-cure by the principal — who appoints a Deputy at a mean Salary — he being obliged by an old Treasury Warrant either to allow such Deputy £20- 3 ann. or the Fees — where he officiates — this is really inadequate to the Service and ought to be encreased to £50 3 ann . at least — For the office requires to be executed by a Man of Ability because he is to be privy to all the Collector's official transactions in order to be a compleat Check upon him and to keep the same Accounts which he sends to the Comptroller Gen^l. when the Coll^{rs}. are forwarded to the Commissioners — He also signs all Letters to the Board jointly with the Coll^r. unless they differ in opinion and then they state their reasons separately —

Officers — without Doors — for the Import Business

Landsurveyor —

is to survey the Conduct of the Landwaiters and frequently to reweigh reguage, & remeasure the Goods that they have examined to see whether they have taken a faithful account of the Quantity and Quality of the Goods — and to assist them with his Advice 10. Jan., 1683 and Opinion in all doubtful or difficult Cases — He sho^d. there- 9 Mar. 1684

fore alwaies be promoted from the most deserving of the Landw^{rs}. pursuant to Trea^y. orders.

Landwaiter —

is an Officer of great Trust — he attends the Landing of all Goods imported — and takes an Account of the Quantity and Quality thereof — from whence the Collector computes the Duties — it is therefore in the power of a fraudulent Landwaiter to favour the Merch^t. to the prejudice of the Revenue by diminishing the Quantity or debasing the Quality by his returns —

To prevent surprizes by recommendations of persons unexperienced — No person sho^d. be appointed a Landwaiter who has not been instructed for Six Months at least and obtained a Certificate from the Superiour Officers that He is well Qualified — and if the Landw^{rs}. were to be promoted from the Coastwaiters or preventive Officers — it wo^d. greatly benefit the Revenue by holding out a reward & Encouragment to deserve well in their respective Employments —

Trea^y.
Orders of
9 Mar. 1684
Report
8 Oct. 1696

Officers without Doors for the Export Business

Searcher — is usually a patent office and converted into a sine-cure employment by appointment of a Deputy who seldom has any allowance from the Crown and is very poorly paid by his principal — and yet this person (for there is seldom more than one such Deputy in each port) without any Check certifies the Shipping of all Goods entitled to drawback, or Bounty by Virtue of which the Collector makes out the Debentures for the same that so appear to be due to the Merchant — The Searchers Certificates therefore operate as Bills of Exchange in favour of the Merch^t. upon the Revenue by which 2. Mill.. & an half being nearly one half of the Gross Rec^t. of the Customs annually drawn back or repaid — It is therefore of the greatest Consequence that the Searcher sho^d. be a Man of Skill and Integrity — which will alwaies be problematical at least, so long as the office is considered as a patent sine-cure and the person who officiates is selected at the cheapest rate by the principal without any other Qualification.

Coast business

Coastwaiter

attends the Landing and Shipping of all Goods carried Coast-wise — and as foreign Goods are very frequently transported to

& from different parts of the Kingdom by this conveyance—he acquires a competent skill therein—and as he must also be a tolerable Arithmetician—with a knowledge of Guaging—he seems to be the properest person to be promoted to be a Land-waiter when he has served without Blemish.

He must undergo two months previous Instruction.

Weigher —

is a mere Labourer or porter attending upon the Landwaiters, Searchers, & Coastwaiters—his Duty is to put the Weights into one Scale—and to place the Goods in the Opposite Scale—and when they are evenly Ballanced—He is to call the Weights to his Superiour officer—who is to see that the whole is right before he enters it in his Accot.—The weigher is to perform all other Labour of this sort in the packing & unpacking of Goods for examination at Import or Export.

But as he keeps no Accounts, no skill in penmanship is wanting—nor any other Qualification except bodily Strength & Honesty—By the Rules of the Board he cannot be admitted if he is under 50 years of Age.

Officers on the Water —

Tidesurveyor —

is allowed a Boat and Boatmen—with which he is to Visit and Rummage all Ships at their arrival to see that no Goods are concealed to be clandestinely run on shore—and to secure all small packages in the King's Wareho. 'till the Duties are paid—He places Tidesmen on the Ship one of whom is constantly to keep the deck to prevent any Goods being conveyed away before Entry and without an order from the Landwaiters—and when the ship is unloaded he is again to make a strict search to discover any concealments—In the interval between the first & last Rummage he is daily to visit the ship to see that the Tidesmen are alert & to prevent frauds—

Tidesmen —

As soon as any Ship arrives from foreign parts—The Tide-surveyor, (according to the Nature of the Cargo) places two or more Tidesmen on Board each Ship who are in the nature of Watchmen or Centinels and are to remain there till the ship is unloaded, relieving each other by turns so that one of them may be

Treasury
Order

16 Mar. 1684.

on duty constantly both day and night to prevent any thing being conveyed to shore without payment of duties — Much fraud is practised by Bribing these men to desert their post and relax of their Watchfulness — They are the more liable to temptation because from their great Number, their Salaries are and must ever be small — But it wo^d. be a great encouragement for them to resist corruption, if they were sure that their honesty & diligence wo^d. be rewarded with preferment — Therefore if it was made a Rule to promote the most deserving Tidesmen to be Tidesurveyors as Vacancies happened — it wo^d. tend to improve & Secure the Revenue more than to double the Tidesmen's Salaries wo^d. do — which the revenue co^d. not afford — The Tidesmen keep an Acco^t. of all Goods delivered out of the Ship — it is therefore requisite that they sho^d. write — and they must not exceed 50 y^{rs}. of age at their Admission.

Boatmen —

are to attend the Tidesurveyors & other Superiour officers to whom Boats are allowed — they sho^d. have been used to the Management of an oar and sho^d. be able and active in order to chace & overtake the Smugling Wherries — But too many of them have of late years being recommended by the Members of parliament when they were become Superannuated & Chargeable to the parish — whereby their own and the Lives of all others in the Boat are in great hazard & some melancholy accidents have actually happened. It has therefore been resolved that no Tidesman or Boatman shall be admitted if he is more than 50 Years of Age — which sho^d. never be departed from on any pretence —

Riding (Commonly called preventive) Officers

Supervisors & other Riding Offic^{rs}. —

are to keep an able horse and are stationed a few miles distance from each other — and there is usually a Supervisor placed over every five or six of them — They are constantly to ride the Coast in order to detect & prevent as much as possible all smuggling — They are to correspond with & Convey intelligence to each other along the Coast when any Smuglers Appear so that they may collect together and oppose the clandestine landing of contraband Goods — and to prove that they perform this Duty they are required to keep Journals of their daily

transactions — which they are to deliver to the adjoining Collectors —

The Riding officers (especially in Kent & Sussex) have much larger Salaries in proportion to their rank than any officers in the Customs but they are not sufficiently numerous nor resolute to resist the large Bodies of armed Smuglers that infest the Country — Nor co^d. they be encreased so as to render effectual Service unless one half of the Inhabitants co^d. be hired to watch the other —

These Riding officers are therefore of very little Service tho' a great Burthen to the Revenue and of late Years parliamentary Interest has recommended Apothecaries, Brewers & other Tradesmen to these employments who never ride but when their own occupations require it and fabricate Journals for the rest of the time. And it is generally reported that many of them are the relation of — & even that some of them are the Agents & Collectors for the Smuglers —

These officers above all others sho^d. not be related to & habituated in the places where they are employed and sho^d. be frequently removed from place to place as the officers of Excise are.

Report of
Commiss^{rs}. of
Customs
8 Oct. 1696
Order of
Council 21.
June 1714

Cruizers

Commanders & Mates of Cruizers —

As the Riding officers are & indeed can be of so little utility — The principal dependance for the Guard of the Coast must be upon the Cruizers —

The Board of Customs has therefore been very attentive to this Subject — having encreased the Number of them, new built them on the best construction, enlarged their dimensions — and Strengthened them with more numerous Crews as well as enlarged the Number & size of their Guns —

Formerly the Crews were paid certain Salaries whether they made any Seizures or not — and it was discovered that these like the other places in the Customs were beginning to be considered as pensions for old decayed Borough Voters — The Commissioners therefore resolved that they wo^d. employ no new cruizers — unless the Commander wo^d. contract that all Expences sho^d. first be paid out of the produce of the Seizures — and the neat remainder be divided equally between the Crown and the Crew —

but if the Seizures sho^d. fall short then the Loss to be equally born by the Crown & the Commander —

This has proved a strong incentive to activity in the Crew and the Number of Cruizers have been nearly doubled since these terms have been settled — Some of the Crews however still remain on the old conditions & at fixed Salaries it wo^d. therefore be a great benefit to the Revenue if the Treasury was to order all the Cruizers to be laid aside where the Commanders will not Accept of the New terms of Contract.

There are now about 40 Cruizers in the Service of the Customs — containing above 4000 ton of Shipping whose complements consist of more than 700 Men & Boys — & 200 Guns —

The good Effects of the Boards attention to this Service is proved by the produce of the King's share of Seizures which is encreased from £40,000 ₤ ann. to £80,000 ₤ ann. in the last 20 years of which last Sum — £50,000 has been taken by the Cruizers —

DOCUMENT XXXVI

Water Guard in the Customs

In point of Regulations

The first thing necessary to be attended to is the *Water guard*, without a proper regulation of which the Revenue Laws must in a great degree be baffled, the intention of the Legislature defeated, & the utmost exertion of the Commissioners to prevent Smugling prove abortive.

At present, when a Ship arrives from abroad, she is put under the care of two or more officers call'd Tidesmen, of whom there are three distinctions of the following description, viz^t.

| | | | | |
|--------------------|-----|----|----------------------|---|
| Established . at . | £40 | . | ₤ Ann ^m . | } these men are paid for the time they are on duty only, but nothing when unemploy'd. |
| Preferable . . . | 0. | 3. | 0 ₤ day | |
| Extra | 0. | 3. | 0 ₤ day | |

When the former are all employed the Preferable are call'd upon, & the Extra are not employd but upon an emergency, as when a number of Ships happen to arrive at the same time; — into these mens hands is committed the care of the whole Revenue, & as the duties on goods in general are very high, on some articles 2. 3 & 4 times the original value, the Smugler is enabled to hold out great temptation to the officer.

DOCUMENT XXXVII

10 Jan: 1683 —

Copy of a Resolution
 of the Board of Treasury
 " That Landsurv^{rs}. in the
 " Customs shall first serve
 " as Landwaiters and
 " Tidesurv^{rs}. be promoted
 " from the Tidesmen " —

My Lord & Gentⁿ.

By Command of the Lords Commissioners of His Majesty's Treasury I send this to Acquaint you that their Lordships have resolved that no Man shall be hereafter made a Land surveyor, but he that he [*corrected to heth=hath*] first serv'd in the place of a Landwaiter, and that no Man shall be a Tidesurveyor but that hath first served in the place of a Tidesman, and it is their Lordships desire that if by any mistake or misinformation any Person not so Qualified shall be nominated by them, either to the place of Land or Tide-surveyor, that you do represent the same to their Lordships before such Person be admitt^d. to the Execution of the said Office —

Treasury Chambers

10th. Jan^y. 1683.

I am

My Lord & Gentⁿ:Your most hum^{ble}. serv^t

HEN-GUY

To the Right Hōn^{ble} y^e Lord Vi[s]count
 Cheyne & the rest of the Commissioners
 of His Majesty's Customs

DOCUMENT XXXVIII

MEMORIAL CONCERNING THE PROMOTION OF OFFICERS

9th. March 1684.

Memorial to the Treasury proposing that the Officers of the Customs may be promoted according to Succession and desert

16. March 1684

Warrant of their Lordships approving the s^d. proposal —

Presentment 9th: of March 1684 —

As nothing can conduce more to a faithfull and industrious management of his Majesty's Customs Then [=Than] to let the Officers see that their honesty and diligence will be rewarded with preferment, and the contrary punished with neglect and dismissal So nothing can more Discourage them then to see their Old and Experienced Merits and Abilities Slighted and Superceded by new persons not so well Qualified Stepping in before them to places of precedency and Advantage and themselves and Qualifications totally neglected all which hath been at Several times Verbally represented to the Lords Commissioners of his Majesty's Treasury and by that Honorable Board very well approved and the reason thereof Assented unto & accordingly resolved to be put in practice. But in regard the same hath not hitherto been Generally Directed by any written Order of the Board *Save* only in the case of Landwaiters & Tidesurveyors that resolution hath not been Steadily pursued which hath been no Small wrong to his Majesty's Service And therefore it is now humbly Offered to the Consideration of the Right honorable the Lord high Treasurer of England whether it may not be reasonable and Expedient That a Standing and *unalterable Order* from his Lordship be *published in all Ports* that upon the Vacancy or "removal of any Officer above the Quality of a Tidewaiter no new man "shall be presented or perferred thereunto but that one of the established Number of the Lower Ranks shall be chosen according to Merit "to Succeed therein And that in the choice of new men to Supply the "Transplanting of Such Officers as shall be so advanced There shall "be Special Care taken That they be Not only Capable in respect of "Body and parts But that they be free from such Debts and incum-

“branches of the World and under such habits and Circumstances of
 “Life That the Salary or pay will be a Competent & Congruous Sub-
 “sistance to them. ———

All which is humbly Submitted to y^r:

Lordships Consideration ———

CC. TN. WB. TB. WD. ———

After my hearty Commendations. —

Whereas in a Memorial bearing date the Ninth Instant, You have represented unto me, that nothing can Conduce more to a faithfull and Industrious Management of his Majesty's Customs than to let the Officers see that their honesty and Diligence will be rewarded with preferment and the Contrary punished with Neglect and Dismission and that Nothing can more discourage them then to see their own Experienced Merits and Abilities Slighted and Superceded by New Persons not so well Quallified Steping in before them to places of Precedency & Advantage and themselves and Qualifications totally Neglected And you have therefore proposed *that a Standing order from me be published in all Ports* that upon the Vacancy or Remove of any Officer above the Quality of a Tidewaiter no new man be presented or preferred thereunto but that one of the established Number of the next Lower Rank shall be chosen according to Merit to succeed therein and that in the choice of new men to Supply the Transplanting of Such Officers as shall be so advanced there shall be Special Care and good Testemony taken that they be not only Capable in respect of Body and Parts *but* that they be free from Such Debts and *Incumbrances* of the World and under Such Habits and Circumstances of life that the Salary or pay will be a Competent and Congrous Subsistance to them: Which Proposal so by you made *Seeming to me in all Points to be very reasonable and Expedient for his Majesty's Service I do fully agree thereunto, And do by these presents (which are to be Standing Order)* Direct and appoint that the same Shall from henceforth be Strictly Observed & complied with and accordingly that upon the Vacancy or Remove of any Officer above the Quality of a Tidewaiter as aforesaid, no new Man shall be presented or preferred thereunto But that you shall from time to time present one of the established Number of the next Lower Rank which you shall chose according to Merit to succeed therein as aforesaid: And that in the Choice of the new men which you are to present to me for Supplying the Transplanting of such Officers as shall be so advanced you take Especial Care and Good

Testemony that they have Such Capacity Circumstance and other Qualifications as are abovementioned and lastly that you cause the Tenor of this Order to be published as well in the Port of London as in all the Out Ports For which this Shall be your Warrant WHITEHALL TREASURY CHAMBERS the 16 of March 1684 —

ROCHESTER

To my very Loving friends the ————
Commissioners of his Majesty's Customs

DOCUMENT XXXIX

Report 8th Oct^r: 1696

On Rules referred from the Treasury to introduce into the Revenue of the Customs Officers thoroughly Qualified

May it please Your Lordships

In Obedience to Your Lordships Commands signified at our last Attendance, requiring Us to consider of such Rules as might be most Effectual to introduce into the Revenue of the Customs Officers thoroughly Qualified, And prevent Surprises by Recommendations of Persons unexperienced —

We are humbly of Opinion that the preferring Officers in the Customs, on any other Consideration than that of their Experience in, or steady Application to the Business they are Employed about is a Prejudice to the Revenue. And We humbly acquaint your Lordships, That it has been the constant Opinion of this Board, to avoid as much as possible the Employing Officers in such of the Out Ports, where they have been Related or habituated. And We are further of Opinion that the frequent rolling Preventive Officers would be for the Advantage of the Revenue — That to Prevent Surprises by Recommendations of Persons unexperienced, We humbly propose that none be Employed, for the Future in the Service of the Customs (other than Tidesmen and Boatmen & Preventive Officers) who have not been Instructed, and this to appear by Certificate from such proper Officers only, to whom it shall be specially referred by the Commissioners to Examine the Qualifications. — And that no Certificate be given to any Person who has not attended Six Months to Qualify himself for Custom House Business.

That the Supernumary Key Men, Coal Officers and Tidesmen in this Port may be provided for, preferable to others of less Experience, which will be for the Advantage of the Revenue, and Encouragement of the Establishd Officers —

All which is humbly Submitted &c &c
CG, RC, WY, IC, BO, SC.

8th October 1696.

DOCUMENT XL

3^d. September 1711

Order in Council Forbidding the
purchase or Sale of any Place
or Employment in the Revenue

AT THE COURT AT WINDSOR

3^d September 1711.

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

HER MAJESTY is pleased to declare, that the selling of Offices and Places in Great Britain, which concern the Administration on Execution of Justice, or the Receipts, Comptrollment, or Payment of any Her Treasure, Money's Customs or Revenues whatsoever, or any of the Offices or Places in HER HOUSEHOLD and FAMILY, to be highly dishonorable to HER MAJESTY, prejudicial to her SERVICE, introductive of CORRUPTION and EXTORTION and a DISCOURAGEMENT to VIRTUE and TRUE MERIT. and that her MAJESTY is resolved to Use Her utmost Endeavor to discourage and prevent the selling the same and *therefore* declares her pleasure, that no Person whatsoever do presume to sell or buy, or knowingly permit to be sold or bought any of the offices or places aforesaid, or to take or permit to be taken, any Money, Fee, Reward or other Profit whatsoever, or any Promise, Agreement, Covenant, Bond or Assurance to have or receive the same for any the Offices or places aforesaid, or for being admitted into or placed in them, or any of them, not permitted by a Statute made in the 5th year of the Reign of KING EDWARD the 6th, against selling of Offices, other than such Fees, as by

Law, are allowed to be taken, upon pain of incurring HER MAJESTY'S DISPLEASURE. And HER MAJESTY doth command and require, that all Persons to whom it shall belong to nominate or place, or admit into any of the said Offices & Places, that they take Care that no Person be admitted into any of the said Offices or Places for Money or other reward whatsoever. And that they so not suffer any of them to be sold, except as in the before recited Act of Parliament is excepted. And HER MAJESTY doth further declare that she will give all due Encouragement to such Persons who shall discover and persecute any Person or Persons for buying or selling any of the Offices or Places aforesaid contrary to Law. And that all Persons concerned may take Notice here of HER MAJESTY Commands that this Declaration be forthwith printed & published.

JOHN POVEY.

DOCUMENT XLI

Report 26th May 1714
On a Letter from M^r. Lowndes
relating to the not Appointing
Persons to be Officers in the
County they live in

May it please Your Lordships —

In Obedience to Your Lordships Commands signified to Us by M^r. Lowndes Your Lordships Secretary in his Letter of the 14th Instant directing Us to consider whether it will not be for the advantage of the Revenue under Our Management that no Persons should be Appointed Officers of the Customs in the Country they live in and to report Our Opinion thereupon.

We do humbly acquaint Your Lordships that at an Attendance the 23rd Sept^r. 1696 the then Lords of the Treasury taking Notice of the great Solicitations when Vacancies happen in the Out Ports for Persons related to and inhabiting upon the place directed this Board to consider how far it might be convenient for the Service of the Revenue to admit Persons who were Inhabitants in or related to the Towns and places where Employments happen to be Established, and to settle some Rule to prevent Application of such kind —

And in obedience thereunto a Report was made the 8 of October following Copy whereof is hereto annexed wherein they represent it to

have been the constant Opinion of this Board to avoid as much as possible the Employing Officers in such of the Out Ports where they have been related or Habituated Of which Report the then Commissioners reminded their Lordships in a presentment dated the 3rd Feb^y. 1701 which Presentment was at an Attendance the same day read and approved by their Lordships —

And We are humbly of Opinion it would tend very much to the Advantage and Security of the Revenue if it were Observed as a General Rule not to Establish Persons in the same Ports and places where they are Inhabitants or who are not duly Qualified —

All which &c^a

26th May 1714

E. G- I. B- R W- D N

DOCUMENT XLII

Order of Council

21st June 1714

No Person to be admitted in the Customs in any of the Out Ports who are Inhabitants of such Out Ports —

With Minute thereupon of the 8th July 1714 —

AT THE COURT AT KENSINGTON 21st JUNE 1714 —

PRESENT

THE QUEENS MOST EXCELLENT MAJESTY IN COUNCIL —

A REPORT from the Commissioners of the Customs having this day been laid before her Majesty in Council against admitting Persons to be Established in the Out Ports who are Inhabitants in the same Ports or Places and who are not duly Qualified; wherein they take Notice of a Report made by the Commissioners of the Customs the 8th October 1696 shewing the same to be the constant Opinion of that Board. Which having been taken into Consideration Her Majesty in Council is pleased to Order and accordingly doth hereby Order & direct that for the

future no Persons be admitted into any place or Employment in Her Majestys Customs in any of the Out Ports in Great Britain who are Inhabitants of such Out Ports, or who are not fitly and duly Qualified for the Employments they are to Execute; And that the Right Honourable the Lord High Treasurer of Great Britain do cause the necessary directions to be given for the same —

CHR: MUSGRAVE —

Let the Commissioners of Her Majestys Customs take Care that Her Majesty's pleasure signified in the above written Order of Council be duly complied with, Whitehall Treasury Chambers 7th July 1714 —
Oxford

Minute 8th July 1714 —

Received an Order of Her Majesty in Council of the 21st Ultimo against Appointing Persons to be Officers of the Customs in the Out Ports who are Inhabitants in such Out Ports or who are not fitly and duly Qualified —

DOCUMENT XLIII

From Mr Lisle, 8th. Aug. 1782.
State of Smuggling.

Mr. Lisle takes the liberty of presenting his humble & respectful compliments to L^d. Shelburne, and has sent herewith, a state of the smuggling business, as is now practic^d. on the Coasts of Cornwall, Devon, Dorset, & part of Hants, where his former station admitted him to Cruize and make observations, as I have related, practice^d. at this time in a much greater degree: Mr. Lisle hopes Lord Shelburne will believe that he never will say anything but honest truths tho tedious in relating them.

Mr. Lisle takes this opportunity of reminding Lord Shelburne of a Petition he lately putt in his hand, in behalf of a poor, Destress^d. Widow & a family of Six Children: Her Husband lately dyed in America, thro sufferings, while a long time a Prisoner at Providence after his return to Rhode Island, was driven from thence by the french to New Yorke, where he languish^d. a considerable time, after loosing his house, furniture, in short his whole property.

Upwey near Dorchester
8th. August, 82.

The Smugling Trade, between the Isle of Weight and St. Albans Point, Is now carry^d. on in large arm^d. Cutters & Luggers, well Man^d. with English, Dutch, french & American Sailors, from Dunkerke or Ostend wth. a french Commissⁿ. & large Cargoes, of Tea, Geneva & brandy, few less than £3000 value the first Cost: Two Revenue Cutters, to guard their Station: That from Southamton makes some good Seizures the Other from Poole very few, and I am well inform^d., owing to the Mar. Mate & Crews, being corrupted, & on certain Signals; now in my possession; The latter, withdraws, to another part of the Coast, to give opportunitys, to the Smuglers, to land, and carry off their Cargoes; without interruption, tho sometimes, they are bribed wth. a few Casks, to save appearances & very often no less than Twenty Waggons, to carry off their Cargoes & frequently whole Cargoes of Portugal, Spanish & french Wines.

The Traders, from St. Albans Point, to the Berry Head chiefly in Smalers Cutters, and has their Cargoes from Alderney; Four Revenue Cutters for the Guard of this Station who agree, with the Smuglers, & content themselves, wth. a Smal share from the Smugler & Suffer the greater part to be run ashore.

Those who carry on the business from the Berry Head to the Ram Head, generally buy their Cargoes at Guernsey sometimes at Ruscoe, at the Mouth of Murliax River in France and bring over large Cargoes of Tea & brandy in fine Sailing Lugsail Vessells, that the Waterguard makes few Seizures. When they have landed their Cargoes: The Shore Officers are too much their Friends, to give them trouble.

Between the Ram Head & Manacles, The business is carry^d. on to a very great degree from Guernsey & Ruscoe & much done in Falmouth Harbour, especially up the River w^{ch}. leads to Truro, The Officers of all Ranks, too nearly related & too much connected, to give Offence to the Neighbouring Boroughs Who always appoint.

From the Manacles to the Lands End, & chiefly in Mounts Bay, Is a most notorious Trade, of Smugleing of large Cargoes from Ruscoe & Guernsey, whole Cargoes of Wine landed in the very Harbours of Penzance, Markett Iew, Newland, Port Ewyn, Coverish &c w^{ch}. must be done, with the connivence of the Superior, as well as Inferior Officers; who are all promoted, by Members of the little Cornish Boroughs & protected from being turn^d. Out. N. B. A few years before I quited the Service in L^d. N^a. Administration I was order^d. on a particular enquiry to Penzance & in examining the Report book, Observ^d. that a large Vessell generally made two Voyages a Year to Maidaera, for w^{ch}. Island

the Master clear^d. Out; without any Merchandize; to pay the Outsett: & at his return never enter^d. or pay^d. Duties, for more than Twelve or Sixteen hh^{ds} & Pipes of Vidona Wines, not sufficient to pay the Seamen's Wages &c. so that I sent a Coppy of the Report to the Comm^{rs}. with my Observations of the great frauds, practic^d. within a Musquets Shott of the Customhouse & Coll^{rs}. House, Several Inferior Officers living close to where the Vessells lay, & unloaded. The Collector was dismiss^d. & his Son appointed in his room. The next Voyage and for two or three Cargoes afterward: The Merchants at Penzance paid Duties for whole Cargoes, but by the low price they are now advertiz^d. & sold: they certain pursue their old Trade as it is often sent to Plymth & other Ports, wth. Customhouse dispatches, & sold there. Soon after the Collector was turn^d. Out & his Son appointed, I was given to understand by Gentlemen high in Office, that for the future I sho^d. be excused from making any more Reports, on my Yearly Inspections: w^{ch}. I presumed must be owing, to my speaking honestly, of the Abilities of those under my inspection, as well as the fraudulent practices, so great a loss to the Revenue.

As the Smugling Trade can never be wholly suppress^d., I take leave to observe

That if the Commanders of The Revenue Cutters, were prevented from compounding wth. the Smuglers, for a certain share of the Cargoe given them: for suffering large Ones to be landed, obliged to give a faithful Account, & Seize every Vessell and Boat, forfeited, by the hovering Act, & the Names of those who are aiding & assisting, prosecute them for the Penalties, and no compositions excepted by the Comm^{rs}. of the Customs, or Excise which has been frequently done for Trifles: The Seamen on board the Smugleing Vessells impress^d. & immediatly putt on board, our Ships of War. & in default of the Officers doeing their Duty, to make examples by turning Out a few, it wou^d. greatly destress the Smugleing business. The Tidesmen & inferior Officers who are putt on board Merchant Ships, are in general corrupted, and often assist in runing & bringing ashore large quantities, without payment of Duties, for w^{ch}. they receive large gratuities, and live like Gentlemen in their House, w^{ch}. cannot be done for £ 30 or £40 ꝑ. ann.

I humbly recomend the giving Deputations wth.out any Salleries to some of the Commanders of the Sloops, of War; who are station^d. on the Coast, who are able to engage those daring Smuglers that infest it. A very fine Sailing One is just appointed for the protection of the Trade on this Coast, The most promising Vessell for Sailing I ever saw, called the *Orestes* Cap^t. John Hope Bowers, She was One of Those taken by

Capt. Mackbride of the Artois & I dare say wo^d. soon give a good account of those in his Cruizing Station, I have this day sent 35 fine Sailors to Debtford to assist in bringing her round & shall use my best Endeavour to procure as many volunteers as, is in my power to Mann the *Orestes*.

DOCUMENT XLIV

10 Oct. 1782.

Sir W^m. Musgrave
Collector at Southampton worth
between 3 & 400 £ a Year
d^o at Rochester near 300 £
d^o at Aldbro' — inconsiderable

CUSTOM ST^A. LONDON
10. Oct. 1782

My Lord

With that Zeal which I ever wish to shew in obeying your Commands, I have come hither (without any other business here today) to enquire into the Value of the Collectorship at Southampton and find that it is reputed to be worth £300 or £350 ꝯ Ann. *including* the allowances from the Light houses —

The Collectors of Rochester and Aldborough have resigned their Employments — that at Rochester is supposed to be worth almost £300 ꝯ Ann. including all perquisites the other at Aldboro' must be inconsiderable —

Tho' it has been usual for the Treasury to take the Recommendations from the Members of Parliament for the several *towns* Yet there is no necessity for it nor reason why your Lordship sh^d. not oblige the Members for the *Counties* or any other friend of Government with these Lucrative Appointments

I have examined the Book of Vacancies but do not find any Employments in the Port of London worth £100 ꝯ Ann — open for the Appointment of Mr. Wall — when anything falls that I think will suit him I will not fail to remind your Lordship of his Claims and am

with the greatest respect

My Lord

Your most obliged and
most faithfull Servant
W. Musgrave

DOCUMENT XLV

from Sir W. Musgrave

20th. Nov. 1782

[Near the end of this document there are references to papers or letters A, B and C. They are not reproduced in this volume.]

A PLAN for vacating certain unwarrantable Grants, and for abolishing various obsolete and useless Offices in the Customs; Also for regulating the business and Salaries of the rest of them. — And for giving an adequate compensation to the Grantees both in possession and reversion of the Offices so proposed to be vacated and abolished.

1. stly
14 Rich. 2. Chap. 10.
7. Rich. 2. Cha. 5.
1. Hen. 4. Chap. 13.
31. Hen. 6. Chap. 5.
1. WHEREAS it has been enacted by various statutes "That no Collector, Customer, Comptroller, or Searcher, &c. shall have any such Office for term of life or of Years, but only as long as shall please the King, & if any Charters or Letters patent be made to the contrary they shall be clearly, adnulled (*sic*), void and of none Effect."

AND —

1. Hen. 4. Chap. 13.
4. Hen. 4. Chap. 2.
4. Hen. 4. Chap. 21.
13. Hen. 4. Chap. 5.
1. Eliz. Cap 11. Sect. 8
13 Hen. 4. Chap. 5.
2. WHEREAS it is further provided by various other "Statutes, That every Customer, Comptroller, and Searcher &c., in every Port shall be continually resident and abiding on their Offices, and shall give their diligent attendance at the Hours, times and places required by Law, so that no such Officer, shall be absent from his said Office by three Weeks at the most, upon Pain that every such Customer, Comptroller and Searcher for every Offence committed or done shall forfeit and lose his Office or Offices, and £100 of lawful money; one Moiety to the King, the other to the informer."

AND

3. WHEREAS notwithstanding the above recited Acts of Parliament, various persons have obtained and now occupy Grants of Places in the Customs for Life or terms of years, and other persons, who hold their Offices by Charters or Letters Patent during pleasure, have nevertheless executed the same entirely by Deputy,

and have failed to be continually resident thereon in person: Whereby all the said Grants are void or Voidable. —

II^{dly}.

1 WHEREAS many of the antient patent Employments were instituted for the necessary information of the Officers of the Exchequer when the Customs were in the hands of the Farmers, but are now become useless or obsolete since the Business of that revenue has been transacted in a different manner under the Care of the Commissioners: —

AND

2. WHEREAS, these Offices have been continued without any advantage to the Public, tho with a very considerable Burthen to the Revenue in Salaries to themselves or their Deputies, besides heavy Fees exacted from Merchants and Traders. —

3^{dly}.

1. WHEREAS, by the 12th Chas. 2^d. Cap. 4. Sect. 7. it is Enacted, “That where the Goods imported or Exported amount to the value of Five Pounds or more, The Customers and Collectors and all others his Majesty’s Officers in the several Ports shall take and receive such Fees (and none others) as were taken in the 4th. year of the then late K. James, untill such time as the said Fees should be otherwise settled by Authority of Parliament.”

2. AND whereas by the 13th. & 14th. of Cha^s. 2^d. Chap. 11. Sect. 34 and by the 24th. Rule annexed to the Book of Rates it is ordered and Directed, “that for the avoiding all oppressions by any of the Officers of the Customs in any Port of this Kingdom in exacting unreasonable Fees from the Merchants; No Officer Clerk or other belonging to any Custom-House whatsoever shall Exact require or Receive any other or greater Fee of any Merchant or other whatsoever, than such as are or shall be established by the Commons in Parliament Assembled: — And if any Officer or other shall offend contrary to this Order, he shall forfeit his Office and Place, and be for ever after incapable of any Office in the Customs, and to be liable to double Costs and Damages.”

3. AND whereas by the 6th. and 7th. W. & Mary Chap. 1. Sect. 5th. & 6th. — it is ordained, “That all the Officers of the Customs, upon their Admission, shall take an Oath to be true and faithful in the Execution of their Duty, and that they will not take

“ or receive any reward or Gratuity directly or indirectly other
 “ than their Salaries, and what is allowed them from the Crown,
 “ or their Regular Fees, established by Law.” —

4. AND whereas the Fees in the several Ports, are extremely heavy and burthensome to Commerce and at the same time, differ very much from each other, whether they are claimed by prescription since the time of K. James the 1st. or have been since settled by authority of Parliament; so that no Merchant or Trader, by his knowledge of the Fees due and payable in one port, can detect any impositions or exactions that may be practised upon him in any other Port. —

4^{thly}

12.th Rich.^d
 2. Cap. 2.
 31. Hen. 6.
 Cap. 5.

1. WHEREAS it is enacted, “ That the Chancellor, Treasurer &c.
 “ shall be sworn that they shall not Ordain, name, or make
 “ Customer, Comptroller, or other Officer for any Gift, Favour or
 “ Affection, but that they make all such Officers of the best and
 “ most lawful and sufficient to their Knowledge and Conscience,
 so that persons worthy and meet to be advanced to services of
 “ Trust in the Revenue shall be preferred to the same and no
 other.”

5th & 6.th
 Edw. 6. Cap.
 16.th

AND

2. WHEREAS nothing can conduce more to a faithfull & industrious Management of the Customs than to let the Officers see that their Honesty and Diligence will be rewarded with preferment and the contrary punished with Neglect and Dismission; and that nothing can more discourage them, than to see their own experienced merits and Abilities Slighted and Superseded, by new persons not so well Qualified stepping in before them to places of precedency & advantage, & themselves and Qualifications totally neglected. —

Treasury
 Orders
 10 Jan. 168²/₄
 16 Mar. 168⁴/₈

NOW.

IN ORDER to carry into Execution the several salutary Regulations provided and ordained by the various Acts of Parliament before recited.

VIZT.

1^{stly}. To vacate all illegal or unwarrantable Grants, and to Compell all the Officers of the Customs, to a strict personal Attendance on their Duty, and also to Subject them to the immediate and proper direction & Comptroll of the Commissioners appointed by his Majesty for managing that Revenue. —

2^{ndly}. To Abolish all obsolete and useless Employments, that are Burthensome to the Revenue and to Trade.—

3^{rdly}. To take away all Fees, and to prevent exactions, by the Officers of the Customs.

4th: To hold out proper Rewards and Encouragements for Fidelity and good Behaviour, by promoting the most deserving Officers in Succession according to Merit.—

IT IS PROPOSED

1^{stly}.

THAT a Law shall be passed to annull and declare to be void all Letters patent, Charters or other Grants of Office or Employments in the Customs, which are not Signed by the Commissioners of the Customs; And to enact that in future all the established Officers in the Customs, shall be appointed during pleasure under the Hands & Seals of the Commissioners of the Customs for the time being or of four of them by the Authority of the Treasury in the usual Manner; and to Authorize the said Commissioners to Issue their appointments accordingly to such persons, whose former Grants are thereby Vacated; except as hereafter mentioned.

2^{dly}.

THAT the same Law shall utterly abolish and extinguish the following obsolete and useless or Sine-cure Offices or Employments, and all Fees, Salaries, or Allowances paid to the Grantees thereof. — But that no person may be injured by this Salutary reformation, it is proposed that the Commissioners of the Customs shall be authorized, out of the revenue under their management, by Quarterly installments to pay to each of these Officers, and to the reversionary Grantees, in case they survive the present possessors — an Annuity or Yearly Sum equal to the clear neat annual Salaries Fees & poundage received from their respective Offices (Except from the Produce of Seizures made by them) after deducting all Charges outgoings for Deputies Clerks, Taxes, Office Rent &c.— to be computed and adjusted by the said Commissioners upon an Average of the last three years — and for this purpose the Grantees, and their Deputies and Clerks shall produce papers, Books, & accounts for inspection and shall be examined on Oath if needfull by the said Commissioners of the Customs.

VIZT.

IN LONDON

The

1. Inspector of Prosecutions
2. Register of Seizures
3. Inspector of Exchequer Books
4. Surveyor of Out Port Accounts
5. Inspector of Out Port Accounts
6. Surveyor General in the Long Room
7. Surveyr. of the P^o. of London in D^o.
8. Customer of Cloth
9. Comptroller on D^o.
10. Customer on Wool
11. Comptroller on D^o.
12. Collector of Petty Customs
13. Register of Warrants.
14. Usher in the Long Room
- 15.16.17.18. Four Examiners of Out Port Books
19. Paymaster of Incidents
20. Surveyor of Paper
21. Surveyor of Baggage
22. Chief Searcher
- 23-24. Two Patent Searchers at Gravesend.
- 25-41. Seventeen Land carriage men.

And all the Customers

in the Out Ports — Vizt.

42. Sandwich
43. Chichester
44. Southampton
45. Poole
46. Exeter
47. Plymouth
48. Gloucester
- 49-50. Bristol — Two —
51. Bridgewater
52. Cardiff
53. Milford
54. Chester
55. Carlisle
56. Berwick
- 57-58- Newcastle — Two
- 59-60- Hull — Two
61. Boston
62. Lynn
63. Yarmouth
64. Ipswich

The Collectors to have the same Authority, & to perform the same Duty as has been done by the Customers.

In the paper marked A. the particulars of this Arrangement are more fully stated whereby it appears, that the Merchants and Traders will be immediately releived from the payment of Fees to the amount of £9.000 and upwards ^{per} Annum; And that the Revenue will ultimately save, about the same sum Annually, when the Grantees die; but in the mean time, as they are to

receive the Neat value of their Employments, the public will incur an encreased expence of about £7.000 ꝑ annum. —

The Collectors Inwards and Outwards in the Port of London, and the Comptroller & Searchers there, and the Comptrollers and Searchers in all other Ports in the Kingdom, also hold their Offices by Patent, and have converted them into sine-cure Employments, which they execute by Deputies, but never act or reside in person themselves, whereby their Grants are forfeited; which are accordingly to be vacated as mentioned in the 1st. Article. — But the Offices are not to be abolished, only the principals (who have done no Service, and proved themselves of no Use) are to be laid aside, and to be paid, Annuities according to the value of their places, in like manner as the Customers, and other Officers, before directed to be abolished. — And the business is to be carried on by the Persons who are at present acting as deputies provided they are desirous of continuing, and can give sufficient Security for their good Behaviour. Where upon the Commissioners of the Customs shall issue Commissions to them, and to such further Number of Collectors, Comptrollers, Searchers, and other Officers as shall appear sufficient for the effectual dispatch of Business, and the accommodation of Trade, at the principal Ports, the Members and the Creeks thereunto belonging. — The Collectors, Comptrollers, and Searchers in London, and the Out Ports so appointed in the Room of the Principals, whose Patents or Grants are Vacated, shall have all the Power and Authority that were heretofore vested in the Customers, and other Patentees, except that they and all other Officers employed in the Customs shall be personally resident on their Employments and shall not execute their Duty by Deputy. —

In the paper marked B the particulars of this Arrangement are more fully stated; whereby it appears that the Merchants & Traders, will be immediately relieved from the payment of Fees to the amount of £17.270 — & upwards annually, But that the Revenue will be charged with the Sum of £10,000 — during the Lives of the Grantees, besides the encreased Salaries given to the Deputies on their appointment to carry on the business in their own Names. —

3^{dly}.

That the same Law shall Repeal the Alien's Duty, and shall abrogate and abolish all Fees Gratuities, extra Rewards perquisites &

recompences whatsoever heretofore demanded or Received by any Officer or Clerk employed in the Customs (except Compositions for Seizures and Law Charges with the permission of the Board of Customs) by Virtue of the 12th. Cha^s. 2^d. Cap. 4. Sect. 7. — 13th. & 14th. Cha^s. 2. Cap. 11. Sect. 34. — and 6th. and 7th. W^m. 3^d. Cap. 7. Sect. 14. which are to be repealed, and in Lieu thereof, the following Duties shall be paid on the Tonnage of Shipping, only to replace what has hitherto been collected in a more perplexed manner for the Aliens Duty and to reimburse the revenue for the Extraordinary expences incurred by this reformation — Vizt.

On all Coasting Vessels, except those employed wholly } 2 s/3^d Ton
in Carrying Fish, Coals, Lime, and Manure . } annually
This will produce about £9.000 p. Annum.

On all Brittish Ships arriving in or Sailing from }
any Port in Great Britain to Foreign Parts, } 6 d. 3^d Ton for
unless in Ballast } each Voyage
This will produce above £23,640 3^d Annum.

On all Foreign or Alien Ship Arriving in or Sail- }
ing from any Port of Great Britain to Foreign } 2 s/3^d Ton for
Parts, unless in Ballast } each Voyage
This will produce above £20.160 3^d annum.

The Tonnage to be ascertained by the respective Masters on Oath, when they report their Ships inwards or clear them outwards, — and the Duties to be paid on pain of forfeiting treble Duty for any concealment of the true Burthen thereof; One half to the Officer or other Person detecting the Fraud; but if any doubt shall arise about the Tonnage of any Ship or Vessel, they are to be admeasured according to the Rule prescribed by the 13th. Geo. 3^d. Cap. 74. Sect. 1. —

The Officers Salaries to be regulated in the Several Ports according to the following Table. —

| | Collectors for themselves & Clerks ₹ annum | Vizt. Comptrs for themselves & Clerks ₹ annum | Landing Surveyors ₹ annum | Landing Waiters and Searchers ₹ annum | Coast Sur- veyors and Inspect ^{rs} of the River ₹ annum | Coast Waiters and Tide Survey ^{rs} . ₹ annum |
|--|--|---|---------------------------------|--|--|---|
| IN LONDON — for | | | | | | |
| Business Inwards | 800 | 400 | 300 | 200 | 100 | 80 |
| Do. Outwards | 600 | 300 | | | | |
| for the — Coast. | 400 | 200 | | | | |
| 1. In all other Ports, where the Gross Rec ^t . is £50,000 or up- wards annually | 600 | 300 | 200 | 100 | 80 | 60 |
| 2. In the Ports where the Gross Receipt is £10,000 & upwards, but less than £50,000 | 500 | 250 | 100 | 80 | 70 | 60 |
| 3. In the Ports where the Gross Receipt is £5,000 & upwards, but less than £10,000 | 300 | 150 | 80 | 70 | 60 | 50 |
| 4. In the Ports where the Gross Receipt is £1,000 and upwards, but less than £5,000 | 200 | 100 | 70 | 60 | 60 | 50 |
| 5. In the Ports where the Gross Receipt is less than £1000 an- nually | 80 | 60 | 50 | 50 | 40 | 40 |

NB. This will be a proper time to exempt all the Officers of this Revenue from Taxes which produce no real advantage to the Publick.

It would be better to exempt from the Stamp Duty all Documents used in the business of the Customs because they will diminish one Branch of the Revenue as much as they contribute to raise the nominal value of the other without any real produce to the Exchequer.

These Salaries to be paid them by Quarterly Payments Clear of all Taxes and Deductions whatsoever. In the paper marked C. the particulars of this Arrangement are more fully stated, whereby it appears that the encreased Salaries in Lieu of Fees to the same Number of Officers employed in the several Ports will amount to £48.653 p annum; more than is paid to them at Present, which is to be raised by the Tax on Shipping as before mentioned.

The Stamps and Paper or Parchment for Bonds, Debentures, and all other instruments & Documents shall be provided at the Expence of the Crown, so that the Merchants and Traders shall have no Charges to pay for any business transacted at any Custom House, other than the Sums legally due to the Revenue, as expressed, on the Warrant of Entry; and shall in like manner, receive their Drawbacks Bounties &c. neat and free from all deductions for Swearing, Certificates, Debentures, &c.

The Hours of Attendance for the Landing Officers, and all others employed at the Water Side in all the Ports of the Kingdom shall be the same as are at present regulated for London, by the 13th. Rule annexed to the Book of Rates — vizt. from Six in the morning 'till Six in the Evening in Summer, and from Sun rise 'till Sun set in Winter. Except one Hour from 8 to 9 o'clock for Breakfast, and another Hour between 2 and 3 o'clock for Dinner for the Officers in London; And in the Out Ports the two Hours for the like refreshments shall be publickly fixed by the several Collectors and Comptrollers at such times as are usually employed for the same purposes by the generality of the Inhabitants in their respective Ports. And it shall be deemed to be a regular part of the Duty of the Landing-Surveyors, Landing-Waiters, Searchers, Coast Waiters, Weighers and all other necessary Officers, to attend during those Hours, without any extra reward or Gratuity, not only on the lawfull Quays, but also at all such places, where the superiour Officers shall judge it expedient to grant Sufferances for the

Landing or Shipping of Goods. And the Landing-Waiters, when required, shall extract from their Books, and deliver Gratis, to each Merchant one Copy of an Account of the exact Weight, Number and Admeasurement of his Goods, imported either upon Consignment or his proper Account.

The Attendance of all the Officers and Clerks employed in the Long Rooms in the several Ports of the Kingdom shall be daily from 9 o'clock in the morning 'till 2 o'clock afternoon (Sundays and Hollidays excepted) But some of them are also to attend in the Afternoon with their Books, during such time as the Officers are appointed to Wait at the Water Side, conformably to the 18th. Rule annexed to the Book of Rates. And if any Merchant or other Person shall be injured in their business by the wilfull or unjustifiable Absence of any of the Officers or Clerks during the Hours above prescribed for their Attendance, or by their giving undue preference to others contrary to the 19th. Rule annexed to the Book of Rates, The Offenders shall forfeit for every default £5. with treble Costs & Damages, to the parties besides being punished by the Board of Customs by **dismissal or otherwise** according to the Nature of the Case. If any Officer Clerk or other person belonging to any Custom House shall exact, require or receive any Fee, Gratuity or perquisite whatever; even tho' Voluntarily given (except Compositions for Seizures and Law Charges with the permission of the Board of Customs) He and they shall be judged Guilty of a Misdemeanor, & be liable to be indicted and punished by Fine and Imprisonment for such Offence Accordingly. Beside being dismissed from their Employments and being rendered incapable of holding any Office under the Crown in future.

4^{thly}.

The same Act shall Ordain and Establish, That no person shall be appointed an Officer of the Customs, who shall be more than 50. or less than 21 years of

All the other Rules annexed to the Book of Rates, are to be enforced which are not altered or repealed by Law.

The Oath of the Officers prescribed by the 6th & 7.th W. and M. Cap. 1. Sect. 5 & 6. to be altered by omitting the Words- "or the regular Fees established by law."

Age at the time of his first admission into the Service of that Revenue. That no person shall be appointed a Collector, untill he has served for three years at least as a Comptroller. —

That no person shall be appointed a Landing-Surveyor, till he has first been employed for three Years as a Landing-Waiter. —

Nor shall any one be appointed a Landing-Waiter, 'till he has acted for the like term of years as a Coast-waiter or preventive Officer. —

That no Person shall be employed as a Tide-Surveyor, 'till he has been a Tide-Waiter for three years compleat. —

That no Person shall be employed as the Commander of any Cruizer who has not Acted in the Station of a Mate for three years. —

A SUMMARY OF THE ACCOUNTS REFERRED TO IN
THE AFOREGOING PROPOSALS. —

| | | |
|---|--------|---------|
| There will be saved to the Merchants and other Importers of Goods — the following Sums — All of which except the 2 first Articles — have Operated as a Burthensome Tax on Trade without the smallest advantage to the Public. | | |
| By the Repeal of the Aliens Duty | 9.000 | |
| By Exemption from Stamps on Bonds &c. — Suppose | 5.000 | 14.000 |
| By legal Fees to Useless Officers — see Letter A. . | 9.120 | |
| By legal Fees to Sinecure Officers — see Letter B. . . | 17.275 | 26.395 |
| By Fees or pretended Gratuities to the Deputies of patentees, and to Collectors Landing-Surveyors &c. &c. the amount of which is unknown but certainly much more than equal to the two last mentioned Articles, however suppose | | 29,605 |
| Total Gain to the Merchants | | £70.000 |
| To Effect this very great ease to Trade, as well as Salutary reformation in the Business of the Revenue — The Public will incur the following encrease of Expence | | |
| Temporary | | |
| By annuities for the Lives of Useless Officers, — see L ^{fe} . A. | 15.395 | |
| By D ^o . for the Lives of Sine-cure Officers, — see L ^{fe} . B. | 15.060 | 30.455 |
| Permanent | | |
| By loss of the Aliens Duty | 9.000 | |
| By Stamps for Bonds &c. | 5.000 | |
| By encreased Salaries to efficient Officers in Lieu of Fees — see Letter C | 48.000 | 62.000 |
| Total present Loss to the Revenue . . | | £92.455 |
| N B. The two first temporary Articles being payable for the Lives of Persons advanced in years will diminish rapidly and be soon extinguished, the other three permanent Charges will be replaced in the following manner. | | |
| By the permanent Saving of Salaries to useless Officers see Letter A | 8.560 | |
| By the permanent Saving of Salaries to Sine-cure Officers see Letter B | 4.062 | |
| Carried Forward | | £12.622 |

| | | |
|---|-----------------|---------|
| | Brought Forward | 12.622 |
| 90.000 Tons of Coasting Vessels — exclusive of those employed wholly in carrying Coals Lime Chalk, manure and Fish — at 2 ^s ₤ Ton annually | | 9.000 |
| Tons of Brittish Shipping taken on an average | | |
| 421.954 Inwards } of 11 years between 1709 and 1779 | 23.640 | |
| 523.648 Outwards } with intervals of 7 years between each | | |
| 945.602 . . . Tons at 6 Pence ₤ Ton ₤ Voyage | | |
| Tons of Foreign Shipping computed on the same average | | |
| 119.728 Inwards } age whereof 7 years were Peace & 4 | 20.162 | |
| 81.900 Outwards } were years of War | | |
| 201.628 . . . Tons at 2 ^s / ₤ Ton ₤ voyage | | 43.802 |
| Total Produce to the Revenue | | 65.424 |
| Total Encrease of permanent expence to the Revenue | | 62.000 |
| Surplus | | £ 3.424 |
| <p>When there shall be none but efficient Officers who shall be no longer dependent on the Merchants for their Subsistence and are moreover encouraged by the hopes of being rewarded for their good Behaviour — It may be reasonably Expected that it will excite in them such exactness and Integrity as will immediately improve the Revenue, more than the Annual Sum to be paid during the Lives of the Useless and Sine-cure Officers. But if it should be thought expedient to raise the Tonnage on British Shipping to 1^s/ ₤ Ton, & on Foreign Shipping to 2^s/6^d. ₤ Ton, then the Account will stand thus. —</p> | | |
| By saving of Salaries to Useless and Sine-cure Officers | | 12.622 |
| By Tonnage on Coasting Vessels | | 9.000 |
| By D ^o . on British Shipping to & from Foreign Parts at 1 ^s / ₤ ^r . Ton | | 47.280 |
| By D ^o . on Foreign Shipping to & from D ^o . . . at 2/6 ^d ₤ Ton | | 25.203 |
| Total gain to the Revenue | | £94.105 |
| Pr. Contra, By Encrease of Permanent Expence to the Revenue | | 62.000 |
| Surplus more than Sufficient to pay the temporary Annuities, and as they Die it will become a permanent Addition to the Revenue | | £32.105 |

DOCUMENT XLVI

10th. Dec. 1782Sir W^m. Musgrave*Copy.*

Customs Regulations

PARK PLACE, ST. JAMES'S

10th. Dec^r. 1782.

My Lord,

Enclosed I have the Honor to send Your Lordship the Lists of Useless & sine Cure Officers, with the Places of the abodes of such of them as have thought proper to inform the Secretary to the Board of Customs where they are to be found, in Case they should be wanted for the Publick Service. — And in perusing these Lists, I am persuaded that it will not escape Your Lordship's Observation: —

AA
BB
D Appendix
to B.

1st. — That very few of these Employments (exceeding 200 £ ꝓ Anñ.) have been given to any Persons for their support of Government, but have rather been bestowed upon the Relations, Friends & Dependants of the Ministers for the Time being, (many of them Children at the Time of their Appointment,) as will appear by an Extract of a few of them on the Back hereof.

2^{dly}. — That even those who obtained them by real Services, know that their Patents cannot be vacated at Pleasure, but only by a tedious & expensive Process at Law upon Proof of Misfeasance, consequently that they are entirely independent, and many of them have engaged warmly in Opposition to His Majesty's Measures at different Times, as may be instanced by The Duke of Manchester, & others.

3^{dly}. — That most of these Patent Officers have many Deputies under their own Appointment: — For Example, the Customer of Plymouth promotes his own Substitutes, not only at that Place, but also at Padston, St. Ives, Penzance, Stelford, Falmouth, Penryn, St. Mawes, Truro, Fowey, Looe, Saltash, &c^a. — consequently when the Principal is adverse to Government, the Deputies are ready to follow his Dictates in obstructing Elections, & other Operations of that kind.

4^{thly}. — That very few of these Patent Officers reside upon

their Employments, so that they have no personal Interest there to assist Government when they are so disposed; and it must even appear offensive to the Inhabitants of the different Towns, to find such large Sums levied upon them & sent away for the Benefit of an *Individual*, of whom perhaps they know nothing more than that he is amply provided for by other considerable Appointments under Government, as may be observ'd in the Case of the Duke of Newcastle, & of Sir Jn^o. Burgoyne the Comptroller of Chester, which includes also Liverpoole, where the Deputy (beside his own extra Gratuities) levies on the Merchants of that flourishing Town upwards of 500 £ in what is call'd legal Fees for his Principal, and a still larger Sum is collected for Mr. Pelham of Crowhurst, who is the present Customer there, and also holds the Office of Inspector of Imports & Exports in the Customs, with a Salary of 500 £ ~~per~~ Annum.

I have mentioned Sir Jn^o. Burgoyne from this peculiar Circumstance, That he is now in the East Indies, and as no Person can appoint his Deputies but himself, the Port of Beaumaris is now without a Comptroller for want of his Deputation, and in case his Substitute at Liverpoole should die, the Board would have no Comptroller upon the Collection of upwards of £200,000. p^r. Anⁿ: at that Port, and all the Accounts must stand still for several years 'till a fresh Deputation can be sent out to be return'd properly signed by him, to authorize some Person to officiate there.

Add to all this, that many Patentees consider their Employments only as so many Farms, & let them out to Deputies very ill qualified to serve the Public, merely because they are the highest Bidders, & will send them the largest Rents; which compels such miserable Substitutes to be guilty of unreasonable Indulgences (to call them no worse) towards the Merchants, that they may extort from them unlawful Perquisites in return.

I am sure that it requires no more than to have stated all these Evils, for your Lordship to see the Necessity of putting a speedy End to them, if any regard is had to the Satisfaction of the Merchants, the Improvement of Trade, & the consequent Encrease & Safety of the Revenue; at the same Time it will strengthen and enlarge the proper Influence that Government ought always to have: Because, when the useless and Sine Cure Employments shall be abolish'd, and the Business shall be conducted by efficient officers resident on the Spot, the Treasury will have the Appoint-

ment of them at all those Places where the Patentees now put in Deputies; so that instead of 23 Patent Comptrollers, *They* will nominate to 72 efficient Comptrollers acting by Commission from the Board of Customs, with Salaries from 100. to 300. *¶* Anñ, who being entirely dependant, & at the same Time resident at their Ports, will always be ready to observe such Directions as they shall receive for the Good of His Majesty's Service & the Measures of Government.

There will be the same Encrease of real Patronage in the Number of Searchers; & so, proportionably in the rest.

As a Proof that the Patents granting offices in the Customs, were formerly thought illegal, it is to be observed that there was always inserted in them, a Clause of "*non obstante*,"¹ for the Statutes of Richard II^d.; Henry IVth.; and Henry VIth. —, so long as the Crown exercised a dispensing Power before the Revolution.

I have the Honor to remain &c^a.

W. MUSGRAVE.

¹ The clause of *non obstante*, or notwithstanding, was the clause by which the Crown exercised the power of dispensation until the Revolution of 1688.

An Extract from the Lists of Useless & SineCure
Offices mark'd A. & B.

| <u>Offices</u> | <u>Persons holding them.</u> | <u>Annual Salaries.</u> |
|--|---|-------------------------|
| Collector Outwards. for 2. Lives | Geo: Duke of Manchester | £1,500. |
| Collector Inwards. NB./under the grant, if Mr. Mann had left a Daughter of two Years old, she wou'd have been Collector, to receive 2 Million & half annually. | Robert Mann & his Heirs, (In Trust) for the Lives of the late Lord Wal- pole & Sir Edward Walpole In reversion to Mr. Jenkinson. | 1,500. |
| Searcher | Charles Churchill . . . | 600. |
| Comptroller. — | Henry Duke of Newcastle In reversion to 2 ^d . Guilford & his Heirs for the Lives of Mess ^{rs} . North. | 1,500. |
| Surveyor Gen ^l . — | Thomas Lord Pelham . | 950. |
| Customer of Chester — | John Pelham | 700. |
| Searcher — | Henry Shelly | 600. |
| Customer of Milford — | James Pigot | 350. |
| Usher in the Long Room. — | William Vary | 600. |
| Comptroller of Southamp- ton. — | Rob ^t . Stannard of Euston, Suffolk. . . . | 200. |
| Surveyor of London — | Henry Lord Stawell . . | 800. |
| Inspector of Exchequer Books — | Heneage Legge | 220. |
| Reg ^r . of Warr ^{ts} . — | D ^o | 250. |
| Chief Searcher London. — | William Legge | 400. |
| Searcher D ^o . — | Francis North | 600. |
| Comptroller of Chester. — | Sir John Burgoyne . . | 450. |
| | in the army. | |
| Customer of Cardiff. — | John Osborne | 200. |
| | Coll. in the Militia. | |
| d ^o . of Newcastle. — outwards | Rich ^d . Williams | 400. |
| | Major in the Army | |

| | | |
|------------------------------|----------------------------------|-------|
| Comptroller of Customs . | | |
| on Wool | Richard Williams . . . | 100. |
| Searcher of Chester — | Jeremiah Robinson . . | 700. |
| Inspector of Prosecutions. — | William Poyntz . . . | 3000. |
| | In Reversion to M ^r . | |
| | Robinson & M ^r . Nev- | |
| | ille, his Son in Law. | |
| Customer . of Southamp- | | |
| ton. — | William Brummell . . . | 430. |
| Register of Seizures. — | Bryan Broughton . . . | 320. |

DOCUMENT XLVII

LIST OF SINE-CURES

January, 1783

AN ACCOUNT OF SUCH PLACES PATENT, OR OTHER, WHICH ARE SINE-

| PLACES | POSSESSORS | SALARIES |
|---|---|---|
| Five Commiss ^{rs} . of Appeals | <div> <div> <div>Robert Coney</div> <div>John Cowslade</div> <div>George Chadd</div> <div>Daniel Bull</div> <div>Robert Hicks</div> </div> <div> <div>Esq^{rs}.</div> </div> </div> | £200 ꝑ Anñ, each |
| One Register to D ^o . | Will ^m . Milton | £100 ꝑ Annum |
| One Doorkeeper to D ^o . | Sam ^l . Smith | £ 40 ꝑ Annum |
| One Messenger to D ^o . | Peter Faddy | £ 40 ꝑ Annum |
| Comptroller Gen ^l . of Excise &c. | Tho ^s . Butler Esq ^r . | <div> <div>£2460 ꝑ Anñ. for</div> <div>himself Deputy and</div> <div>Clerks</div> </div> |
| Comptroller of the Cash | Sir Rich ^d . Temple Bart | <div> <div>£800 ꝑ Annum for</div> <div>himself and Clerks</div> </div> |
| Auditor for Excise &c. | Rich ^d . Stonehewer Esq ^r . | <div> <div>£1240 ꝑ Annum for</div> <div>himself Deputy &</div> <div>Clerks</div> </div> |
| Auditor for Hides &c. | Tho ^s . Rumsey Esq ^r . | <div> <div>£400 ꝑ Annum for</div> <div>himself and Clerks</div> </div> |
| Register to the Comm ^{rs} . of Excise | Tho ^s . Ryder, Esq ^r . | £450 ꝑ Annum |
| Inspector of Inland Duties | Mont. Burgoyne Esq ^r . | £500 ꝑ Annum |
| House-keeper | M ^{rs} . Ann Cavendish | £200 ꝑ Annum |

CURES, OR OF SO SMALL BUSINESS AS TO REQUIRE LITTLE OR NO ATTENDANCE
APPOINTMENTS

| | |
|---|---|
| By Treasury Patent. | Absolute Sine-cures |
| By Treasury Warrants. | Absolute Sine-cures |
| By Treasury Patent | { This Office is executed by Deputy appointed by the Principal with the Approbation of the Treasury; And with respect to the Principal is an absolute Sine-cure, he reserving to himself a salary of £700. ₧ Annum. |
| By the Commissioners in Pursuance of Treasury Warrant | { A Place of but little Attendance for the Principal, the Business being chiefly executed by two Clerks; the Principal reserving to himself a Salary of £610. ₧ Anñ. But he gives Security in the Sum of £20,000. |
| By Treasury Patent | { This Office is executed by Deputy appointed by the Principal, with the Approbation of the Treasury, And with respect to the Principal is an absolute Sine-cure, he reserving to himself a Salary of £750 ₧ Annum. |
| By Treasury Warrant | { This is an Office of but little Business with respect to the Principal; has always been granted as a Sine-cure, but the present Possessor superintends the Business himself, & reserves a Salary of £300 ₧ Anñ. |
| By Treasury Patent | { This Office is a Sine-cure with respect to the Principal who reserves to himself a Salary of £420. ₧ Annum. |
| By the Commiss ^{rs} . in Pursuance of a Treasury Warr ^t . | { An Office of Business; but with respect to the present Possessor is an absolute Sine-cure, he reserving to himself a Salary of £473-14-0 ₧ Annum. |
| By Treasury Warrant | An Absolute Sine-cure. |

DOCUMENT XLVIII

Nov. 1782

, Remarks on certain proposed
Regulations in the Customs
From M.B.

The principles upon which the regulations are formed, are excellent; & the plan is drawn up with the greatest ability, & knowledge of the subject. Scarce an objection occurs, & very few remarks, the following are however submitted more for consideration, then for any material alteration they propose. —

| | |
|---------------------------------------|--|
| Inspector of pensions £3000.- | 1 st ly. As all sinecures will be abolished, & the full estimated revenue paid to the present possessors, & to the grantees in reversions, for life; it may be observed that only four places amount to £1000 & upwards ꝥꝥ añ, which from their number cannot be the object of exception to so liberal a plan. |
| Collector inwards ... 1500.- | 2 ^d . The proposal of exempting the officers of the Customs from the tax on places, requires much consideration; whether that branch of the revenue should be distinguished from the rest. — |
| d ^o outwards ... 1500.- | 3 ^d . It requires still more consideration about abolishing all <i>stamps</i> upon the documents at the Custom house, as that branch of the revenue is one of the best, easiest collected, & the least liable to fraud. — |
| Comptroller ... 1300.- | 4. The proposal to abolish the Alien duty deserves every com- mendation, it is the wish of the fair Merchant, as being oppres- sive, & liable to collusion: and the state will benefit almost equally, whether its importations are made by Aliens, or by Na- tions. There are certain dues granted to the City of London such as scavage ² &c ^a , which also deserve the attention of govern- ment. — |

The mode proposed for a reimbursement to Government in consequence of this reform, for the additional Salaries, abolishing the Stamps, & Alien Duty; is, the tax proposed by Lord North upon *Water carriage*. — It therefore remains for consideration

² Derived from a word meaning show or inspection and is defined as "a toll or duty anciently exacted from merchant strangers by mayors, sheriffs, etc., for goods offered for sale within their precincts."

whether such a tax will not be better applied towards raising the annual supplies — or whether it will be right to permit the Customs to try the experiment with regard to its produce &c^a. before it shall be applied to the exigencies of the state. —

The lists marked A B & C are drawn out with ability; a fourth list is however wanting, which is *a list* of the future Salaries instead of Fees, to each officer, as the total amount only appears at present, such as £22,400. — for London — but before a final arrangement is made, it should be known in what proportions, & to what offices, the sum of £22,400. is intended to be divided. —

The Commissioners are not mentioned in any part of the arrangement, it is therefore presumed that no alteration is proposed with regard to themselves. —

The benefit which will arise to the Merchants &c^a. in consequence of this reform is very great, & although stated at £70,000, will probably amount to more, for the sum of £29,605. — which is supposed to be paid for extra fees gratuities &c^a. must be considerably short of what is really paid as S^r. W^m. very justly observes.

I am not a proper judge how far the following clause may affect the patronage of the Treasury . . . 1^{stly}. “That a Law shall be passed to “annull & declare to be void all Letters patent, Charters, or other grants “of offices or employments in the Customs which are not signed by the “Commissioners of the Customs” &c^a &c^a. there is a saving clause towards the conclusion “or four of them, by the authority of the “Treasury in the usual manner.” —

DOCUMENT XLIX

14 Jan^y. 1783. M^r. S^t. Brooksbank
Thoughts upon Smuggling.

CHARLES STREET
Jan^y. 14th. 1783

Dear Sir

Your favor of the 8th. Inst. is my Excuse for offering some free thoughts of my own upon this great Business of Smuggling. — It has for some Years been a received Opinion with many, conversant in Excise Management, that the Collection falls short by two fifths of what should be its real Produce, — The Prodigious Increase of frauds within the last

few Years, must have added considerably to that Amount, But however vague and uncertain such Estimates may be, It is in Proof by Office Papers, that y^e. Revenue of Excise in the Articles of Tea and Spirits especially, is vastly below its just Amount, and thereby become an Object highly deserving the Attention of Governm^t.

If the Progress of Smuggling be taken from the first landing of the Goods, to the final disposing of them, It exhibits such a Source of Violence, and every Species of Iniquity, as calls aloud for the Interposition of Government, not only as an Object of Revenue, but as it substantially affects the Morals of the People, and even the Police of the Kingdom; The frauds, forgeries, and Perjuries, which accompany the Circulation of smuggled Goods to London, & through the Country, can be believed only by those whose Business it is to be acquainted with them.

It is not my Intention here, to trouble you with a Detail of the various Methods practised to defraud the Revenue, — These I presume will be stated to the Lords of the Treasury, when the Commiss^{rs}. make their Report, — My Meaning is to point out whence it is, that the Mischief has grown to such Magnitude, and also the Means whereby I think it may be suppressed.

This most important Business has not for a great Number of Years, been taken up upon System, as it ought to be, for till this is done, the Laws which are every Session enacted, may swell the Statute Book, but instead of diminishing, will increase the Evils they are intended to prevent — Occasional Interpositions of the Military, and new Clauses in Acts of Parliam^t. must have been of little avail, since Armies of Smugglers are every Day riding with Impunity, through the Counties upon the Sea Coast, and sometimes enter the Capital at Noon Day. — Their Goods are safely conveyed into the Houses of *entred* Dealers who under the Protection even of the Law itself, send them with Security — The Permit which was invented for checking of fraud, is become the infallible Instrument of it's Protection notwithstanding it has undergone Alterations with^t. Number. The Variety of Modes wherein it is fraudulently used exceeds Belief, and the Office Accounts will show that the annual Sum of sixty thousand Pounds, is lost to the Revenue by forged Permits, But the Loss arising from the fraudulent Use of them, is to a much greater Amount.

Should it be asked — Why a Matter of such Moment has not been attended to in a Manner equal to its Importance, I say (under Correction) that the fault has not lain here, nor there, but everywhere, and

I presume to add, that untill Government shall speak with a firmer Tone than they have yet done, and untill the Law Officers of the Crown, shall by their Advice and Assistance, infuse Vigor and Activity into those who are entrusted with the Execution of the Revenue Laws, It is much to be apprehended that it will be an increasing Mischief — It is taken for granted (what NoBody will deny) that high Duties will ever be a Temptation to Smuggling, and that Remedies must be applied from time to time, as new frauds present themselves; This tho' a true, is at the same Time a lazy Maxim, Since when the Evil is extended to a great Degree of Enormity, it will not be corrected by these Occasional Applications, but must be cut up by the Roots.

The General Term, Smuggling, I divide into three distinct Parts.

First — That whereby the Goods are forcibly introduced into the Kingdom, and when there, protected by the same Violence, untill they are received into the Houses of *Entred* Dealers, or into the Possession of those who trade without legal authority.

Second — That where the Goods being received into the Houses of *entred* Dealers, and by them sold and dispersed over the Kingdom, under Protection of the very Laws which were enacted to secure the Revenue against Fraud.

Third — That where the Party having no legal Right to trade in the Commodity, risques a Discovery, with all the Penalties attending it.

The ordinary Exertions of the Managers of the Revenue, being in my Opinion equal to the Suppression of any great Mischiefs which can arise from this last Species of Smuggling, I will not trouble you with any observations thereupon.

Having mentioned that this great Business has not been taken up upon System, I must observe, that in the Year 1746 (19th. Geo. 2^d.) was passed that famous Act called the Duke of Richmond's Act — The Act itself shews, and it is in my Memory, that the Enormities thereby intended to be redressed, existed to almost the same Degree as they do now — It also appears that the preceeding Laws had proved ineffectual, and that the civil Magistrates, some through fear, others from worse Motives, had declined to apprehend the Persons of the Offenders; — In order therefore to secure the Persons of such Men, without which no legal Proceedings could be had, The Clause of Outlawry was framed, with an Indemnity for past offenses upon Surrender — What the good Effects of this Act were, is in the Remembrance of many — Even the total Suppression of Smuggling by Gangs of armed Men, so long as this Law was enforced. This most salutary Act, tho' twice renewed, fell

afterwards into such Disuse, that Judge Blackstone in his Commentaries, pronounced the Outlawry Part of it to be expired, which is y^e. very Substance of it — The Commiss^{rs}. of Excise therefore in the Year 1774 receiving frequent Accounts of their Officers being maimed and almost murdered by Gangs of armed Smugglers, applied to have it revived, and it was accordingly Reenacted with all its Clauses — Why this Act thus revived has not been proceeded upon to better Effect, I confess surpasses my understanding, and ought to be explained, for I doubt whether the Wisdom of the Legislature can frame a Law, better adapted to suppress the Evil — I could wish that the Sol^r. of the Excise might be requested to speak out upon this Subject, that Lord Shelburne may fairly know, whether the Defect is in the Law, or in the Execution of it — With great Submission I think too, that his Majesty's Attorney Gen^l. should be consulted upon y^e. Expediency of enforcing it, for I am persuaded that acting under his Direction, with the Approbation of Government, and under their Protection, We might by this very Law quickly annihilate these lawless Banditti.

With Respect to the second Descriptⁿ. of Smugglers (viz^t.) *Entred* Dealers selling smuggled Teas and Spirits under legal Protections — These Men tho' not such daring offenders, are not less pernicious to the Revenue, since it is by his Connection with them, that the first is enabled to dispose of his smuggled Cargoes. — This Traffick is carried on to an Extent which exceeds all Bounds.

I propose therefore that no Person shall be entitled to take out a License as a Dealer in Tea, or Spirits, untill he shall have given Bond with one or more Securities, for due Payment of the lawfull Duties; — That upon Conviction of Fraud, he shall forfeit his Bond, and be for ever after disabled from exercising that Trade — In short to be licensed somewhat in the same Manner as a Publican or Alehouse Keeper and to rent a Tenement of £10 p^r. Ann, and to be charged to Church and Poor — These Restraints are not altogether new, even in Excise Laws — In the Auction Act, there was the Clause of a Bond & forfeiture — In the Sope and Starch there are Clauses of Qualification — The Stamps have a Law with all the Restraints. — But to guard against any Constitutional Objection, The Forfeiture may be made to depend upon the Verdict of a Jury, and consequently the Disability; However if it could be left to the Discretion of the Commiss^{rs}. whether to renew the License, it would certainly be most effectual. It is a Justice due to the considerable Dealers in Tea, and Spirits, to say that they have been found ever ready to submit to any Restrictions, which tend to the Security

of the Revenue, from whence I conclude that some Law upon this Principle might be so framed, as to be even popular with the honest Part of the Trade, the Dishonest Part will undoubtedly clamour, which will be a Proof of it's Utility. — The fair Trader might hereby, without Danger to y^e. Revenue be relieved from a Variety of severe Penalties to which he is equally exposed with the fraudulent one, and the Commiss^{rs}. of Excise in their double Capacity of Managers and Judges, would be disencumbered of numberless Intricacies, which occasion a daily and melancholy Waste of their Time and Attention.

For your Sake I forbear to enlarge upon a Subject which is inexhaustible — These are but crude Thoughts, and I must forewarn you that my Conduct as a Comm^r. of Excise, has always been tinged with a Spice of Reform, therefore what I say must be received with some Caution, as possibly it may not have the entire Approbation of some whose Experience and Judgement must be allowed far superior to mine.

Some official Arrangements must be thought of, in order to given (*sic*) Energy to any Plan which may be adopted — The first which presents itself is the Soll^{rs}. office, and here Justice obliges me to say, that I do not think the publick has been ever served, by an abler or more uncorrupt Officer than the present Solicitor of Excise; But I must at the same time add, that from a Variety of Causes it so happens, that the Revenue has not the Advantage of his great Abilities which it ought to have, and that his Activity is spent upon inferior Objects. But this being a Subject upon which there is some Difference of Opinion, and besides being a very large field, I will not lose myself in it now.

Another Arrangement should be that of the smuggling Collections, which in my Opinion should be divided into smaller Districts, Divisions, and Rides, beginning with Norfolk and proceeding along the Sea Coast to the Lands End, and to include Surry; The most intelligent and active Officers should be selected for these Stations.

A Third, and which is of more Consequence than at first Sight it may appear, is, to secure to the *real* Informer his fair Moiety clear of all Deductions, together with the speedy Payment of it, Inattention to this Circumstance has in my opinion been of great Prejudice to the Revenue of Excise in all its Branches.

A Fourth — To allow Part of the Kings Share of Seizures to the Officers of the Dragoons & Light Horse as a Stock Purse to repair the Damage their Horses and Furniture sustain by assisting the Excise Officers, Those Officers who are best disposed to the Service, complain

heavily of this as a Grievance, and it is a real one, But this is not properly an Arrangem^t. It must be done by Act of Parliam^t. or Treasury Warr^t.

Many others might be mentioned, but it is time to conclude, which I do by requesting the favor of you to lay these Ideas (such as they are) before Lord Shelburne, in some Moment of his Leisure — His Lordship knows I have not thrust myself into this Business, Yet being entred, I will persevere, and if my Zeal should be found to outrun my Judgment, His Lordship who incited, will be the first to excuse.

I am with much Respect,
Dear Sir,
Your faithfull,
& obedient servant
S^r. BROOKSBANK.

DOCUMENT L

ACCOUNT OF TEAS EXPORTED FROM CHINA TO EUROPE

Account of Teas Exported from China to Europe in Foreign and English Ships the former from the Diaries transmitted to England by the English Supra Cargos the latter from the Invoices of Ships arrived safe. [See table on page 295.]

| Exported from China in seasons ending | Foreign Ships | Tea | English Ships | Tea | Total Ships | Total Weight |
|--|------------------|---------------------|------------------|---------------------|----------------|-----------------|
| March 1772..... | 8..... | lb. 9,407,564..... | 20..... | lb. 12,712,283..... | 28..... | lb. 22,119,847 |
| D ^o . 1773..... | 11..... | 13,652,738..... | 13..... | 8,733,176..... | 24..... | 22,385,914 |
| D ^o . 1774..... | 12..... | 13,838,267..... | 8..... | 3,762,594..... | 20..... | 17,600,861 |
| D ^o . 1775..... | 15..... | 15,652,934..... | 4..... | 2,095,424..... | 19..... | 17,748,358 |
| D ^o . 1776..... | 12..... | 12,841,596..... | 5..... | 3,334,416..... | 17..... | 16,176,012 |
| D ^o . 1777..... | 13..... | 16,112,000..... | 8..... | 5,549,087..... | 21..... | 21,661,087 |
| D ^o . 1778..... | 15..... | 13,302,665..... | 9..... | 6,199,283..... | 24..... | 19,501,948 |
| D ^o . 1779..... | 11..... | 11,302,266..... | 7..... | 4,311,358..... | 18..... | 15,613,624 |
| D ^o . 1780..... | 10..... | 12,673,781..... | 5..... | 4,061,830..... | 15..... | 16,735,611 |
| | 107 | lb. 118,783,811 | 79 | lb. 50,759,451 | 186 | lb. 169,543,262 |
| Average of Nine Years | 12..... | lb. 13,198,201..... | 9..... | lb. 5,639,939..... | 21..... | lb. 18,838,140 |

The best information procurable estimates the Annual consumption of Tea by Foreigners in Europe at most... }

5,500,000 consumed by Foreigners in Europe at most....

5,500,000

Must be Smuggled into Great Britain & her Dependencies..... } lb.

13,338,140

7,698,201 consumed by Great Britain and her Dependencies which at lb. 700,000 £ Ship would employ 38 large ships constantly in the China Trade instead of 18 Ships as above most of which were small. One Fleet is going out when another is coming Home.

The above is exclusive of private Trade Teas brought legally and illegally into Europe — confidential information asserts that the English Ships have often Smuggled from 1,000 to 3,000 Chests of Tea each; also that the Foreign Captains bring a large quantity of Tea which they either Smuggle at Sea or throw into the Sea, the punishment being severe . . . The loss to the public on 1,000 Chests of Hyson Tea smuggled is above £20,000.

Average quantities for one Year of each sort of Tea Sold by the East India Company in Ten Years from March Sale 1773 to Sept^r. Sale 1782 inclusive exclusive of private Trade.
Bohea lb. 3,075,307 . . Congon lb. 523,272. Souchong & pekoe lb. 92,572 Singlo lb. 1,832,474. Hyson lb. 218,839 Total lb. 5,742,464.

A PLAN TO PREVENT SMUGGLING TEA BY TAKING OFF ALL THE PRESENT DUTIES OF CUSTOMS

A Plan to prevent Smuggling Tea by taking off all the present Duties of Customs and Excise on Tea and laying a Small Tax on Such Houses only as pay the Window Tax by which the Kingdom at large would be greatly benefitted as hereafter described

Total of *real Tea* exclusive of private Trade consumed in Great Britain and her Dependencies £ Ann. lb. 13,338,140 which would employ 38 Ships and 4560 Seamen constantly in the China Trade instead of 18 Ships and 2,000 Seamen.

The amount of Customs and Excise on Tea on an Average without deducting the heavy charges of Collecting and Management is £ Annum about. £700,000

Proposed that each House charged with the Window Tax be also charged as followeth £ Annum.

| | | | |
|--------------------------------------|-------------------|---------------------|----------|
| Houses under 7 Windows each. | 286,296 | at 10s. 6d. | £150,305 |
| 7 to 10 do. | 211,483 | 16 | 169,186 |
| 11 do. | 38,324 | 21 | 40,240 |
| 12 to 13 do. | 25,919 | 31 . 6. | 40,822 |
| 14 to 19 do. | 67,652 | 42 | 142,069 |
| 20 & upwards | 52,403 | 70 | 183,410 |

Some of these
might be rated
much higher and
produce £100,000
more

| | | |
|---------------------------|--------------------------|----------|
| England & Wales | 682,077 Houses | £726,032 |
| Scotland | 17,734 do. | 9,310 |
| Houses | 699,811 | £735,342 |

The public being entitled to 3/4 of the Company's profits above £8 £ Cent on their Capital Stock (as £ Agree-
ment in 1781) will by this plan gain at the least £ Annum 180,000

Saved in the Charge of collections £ Annum

Tax on Tea Gardens Taverns Coffee houses & Inns in England

Tax in Ireland West Indies &c.

Tax on Tea Dealers as at present

The above account of Houses Taxed is the Number of Houses inhabited and charged with the Window Tax as £ List published by the Exchequer.

According to Dr. Prices Account there are 5 persons to a House or 5 Millions in England & Wales.

682,077 Houses in England and Wales would be taxed, containing 5 persons each or 3,410,385 persons
 317,923 Houses and Cottages do. & do. untaxed . . . do. 1,589,615 do.
 1,000,000 Houses and Cottages containing about 5,000,000

If Dr. Price's Account is right 1,589,615 poor persons beside Servants in England & Wales or if the
 Revd. Mr. Fowler's account is right 4,500,000 do. . . . do. . . . would drink Tea free from Tax or Duty.

The following Statement will shew the advantages arising to those whose Houses are to be Taxed in lieu of Customs & Excise

Prices of Tea at the Company's Sales on an Average of Ten Years from March 1773 to Sep^r. 1782 inclusive, Discount deducted out of which the Company Pay the Customs.

| | Bohea | | Congon | | Souchong | | Singlo | | Hyson | |
|---|--|--------------------------------|--|--------------------------------|--|--------------------------------|--|--------------------------------|--|--------------------------------|
| Excise on the same p ^d . by the Buyers | 2 ^s . 4 ^d . 2 ⁹ | ₤ lb | 4 ^s . 3 ^d . 8 ⁸ | ₤ lb | 5 ^s . 2 ^d . 5 ⁵ | ₤ lb | 4 ^s . 2 ^d . 8 ¹ | ₤ lb | 8 ^s . 5 ^d . 3 ⁹ | ₤ lb |
| Cost the Buyers in 1782 | 1. 11 | ³⁹ / ₁₀₀ | 2. 6 | ⁵³ / ₁₀₀ | 2. 10 | ³⁴ / ₁₀₀ | 2. 6 | ⁵¹ / ₁₀₀ | 3. 10 | ⁷³ / ₁₀₀ |
| Would cost on the proposed plan | 4. 3 | ⁶⁸ / ₁₀₀ | 6. 10 | ⁸¹ / ₁₀₀ | 8. | ⁸¹ / ₁₀₀ | 6. 9 | ⁴¹ / ₁₀₀ | 12. 4 | ¹⁷ / ₁₀₀ |
| Saved by the Consumers | 1. 8 | ⁵⁷ / ₁₀₀ | 2. 5 | ²² / ₁₀₀ | 3. 3 | ²⁷ / ₁₀₀ | 3. 3 | ²⁷ / ₁₀₀ | 5. 7 | ³² / ₁₀₀ |
| | 2. 7 | ¹¹ / ₁₀₀ | 4. 4 | ⁸⁹ / ₁₀₀ | 4. 9 | ⁶² / ₁₀₀ | 3. 6 | ¹³ / ₁₀₀ | 6. 8 | ³³ / ₁₀₀ |

A common Family consumes

₤ Ann. at least 15 lb of Bohea . . . 2. 7 ₤ lb saved as ₤ preceeding Settlement £1. 18. 9
 Deduct Tax on the House 10. 6

Clear gain ₤ Annun on this plan 1. 8. 3

Do. . . . Do. 15 lb of Bohea . . . 2. 7 ₤ lb 1. 18. 9

Deduct Tax on the House 16. 0

Saved £1. 2. 9

A Middling Family Do. 12 lb. of Congon | saved on 1 lb Congon 4. 4 ⁸⁹/₁₀₀ |
 & Singlo | do. . . . 1 lb Singlo 3. 6 ¹³/₁₀₀ | 12 lb at 3^s. 11^d. ₤ lb 2. 7. 0
 7. 11 ²/₁₀₀

Average 3. 11 ⁵¹/₁₀₀

| | | | |
|--|--------------------------------------|----------|------------------|
| | 3 lb of Hyson | 6. 8 d°. | 1. 0. 0 |
| | <u>15</u> | | <u>3. 7. 0</u> |
| | Deduct Tax on House | | 1. 1. 0 |
| | | | <u>2. 6. 0</u> |
| D°. . . . D°. | 8 lb of Congon & Singlo at 3. 11 d°. | | 1. 11. 4 |
| | 8 lb of Hyson. 6. 8 d°. | | 2. 13. 4 |
| | <u>16</u> | | <u>4. 4. 8</u> |
| | deduct Tax on the House | | 1. 11. 6 |
| | | | <u>£2. 13. 2</u> |
| A common genteel Family D°. | 16 lb of Hyson at 6. 8 d°. | | 5. 6. 8 |
| | Deduct Tax on the House | | 2. 2. 0 |
| | | | <u>£3. 4. 8</u> |
| A Genteel Family . . . D°. | 24 lb of Hyson 6. 8 d°. | | 8. |
| | Deduct Tax on the House | | 3. 10 |
| | | | <u>£4. 10. 0</u> |
| The Inhabitants of 286,296 Houses Taxed at 10 ^s . 6 ^d . same 28 ^s . 3 ^d . 4 ^d . | Annun Amounting to | | £404,393 |
| Ditto 211,483 d°. | 16 - d° . 22. 9 d°. | | 240,561 |
| Ditto 38,324 d°. | 21 - d° . 46 - d°. | | 88,145 |
| Ditto 25,919 d°. | 31 - d° . 53. 2 d°. | | 68,901 |
| Ditto 67,652 d°. | 42 - d° . 64. 8 d°. | | 218,741 |
| Ditto 52,403 d°. | 70 - d° . 90 - d°. | | 235,813 |
| Saved by y ^o | | | |
| Inhabitants of 682,077 Houses Taxed in England and Wales | | | 1,256,554 |
| Ditto 317,923 d°. Untaxed d°. | | | |
| D°. d°. Scotland & Ireland &c. | | | |

Although the foregoing plan is founded on the consumption of only 13,000,000 lb ꝥ Ann. there is great reason to believe 18 or 20 Million of Pounds of real Tea would be consumed at moderate prices as it is well known that many Millions of Pounds of Ash, Sloe and other leaves of Tres [Trees] are annually dyed and sold as Tea, notwithstanding three Acts of Parliament have been made to prevent such practices Viz^t. ab^t. 1724, 1730 & 1776.

The Inhabitants of almost every house in the Kingdom drink some Tea those who do not will receive more benefit them [than] the amount of the Tax from the increased advantage already mentioned; the participation of $\frac{1}{4}$ of the profitts on the extra quantity of Tea that will be Sold by the East India Company the Keeping in their Native Country a very considerable Sum ꝥ Ann. that at present is paid to Foreigners for Tea Smuggled besides the National Advantage to accrue by building and repairing the increased Number of Ships making Masts Sails and Rigging &c. The providing Sores [Stores] of Various kinds for them and employing above 2400 extra Sailors—As the British Shipping Trade and profitts will be increased if this plan is adopted those of other Nations will be Decreased.

DOCUMENT LI

26. Jan^y. 1783

Mr. Pownall

Observations on a
Proposal respect^g.
the Tea Duty.

ABINGDON STREET.

Sunday. Ev'ning. 26 Jan. 1783

My Lord,

I had yesterday the honor to receive your Lordships Note, inclosing a proposal respecting the Duty on Tea, of which I shall not fail to make a proper Use; In the mean time, you will forgive me, if, from the Attention which is due, in the first place, to your Commands, and, in the next place, to the merit of the paper itself, and to the importance of the Object it holds out to the view of Government, I presume to trouble

your Lordship with a few observations upon it, which, from an Accidental hurt, I am obliged to dictate to a Clerk.

I should do injustice to my Sentiments if I did not say, that, this proposal meets my Wishes and Ideas on the Subject of Smuggling, in that very point, in which those Wishes and Ideas concenter; for, altho' I concur in Opinion with those of my brethren in Office (with whom I am now busied, in the consideration of the means of preventing Smuggling,) that it will be necessary to enforce those Laws which have been already enacted to punish the armed Gangs of Smugglers, and to enact severer penalties upon entered Dealers, who artfully give circulation to Smuggled goods, by frauds of the greatest enormity under Colour of Law, yet I must confess, that, I adopt such measures, not so much from a conviction of the rectitude of them, as from a despair of being able to suggest any safe plan for a different Arrangement of Duties; which would have the Effect to check Smuggling in that Excess to which it is now carried on, by removing the Temptation, and thereby administering the only radical Cure for so grievous an Evil.

The Statute of the 19 of Geo. 2, tho continued in force on the ground of reasons suggested by myself, does nevertheless deviate so widely from the general principles of the common Law of England in criminal Cases, and is so sanguinary in the Spirit of it, that it certainly ought not to be enforced, but in cases that are peculiarly atrocious, and, even in such Cases, in as few Instances as possible, and it was with a view to those Cases only, of which there had been some Instances of the greatest Enormity, that I proposed the Continuance of it, rather with a view to the preservation of the publick peace of the Kingdom, which had been violated in a great degree, than as applying it to the Object of Smuggling which, abstracted from the Violence, is not, in my Conception, a proper Object either of that Law, or of the antecedent Statutes of the 8. of Geo. 1. and 9 of Geo. 2. which make Smugglers under certain descriptions punishable as Felons.

I must further confess, that, I fear upon the deepest reflection, that the enacting an incapacity in such Dealers in Tea, and Spirits as shall be convicted by a Jury, of frauds and perjuries to the injury of the Revenue (which is a measure urged by my worthy friend Mr. Brooksbank with an irresistible force of Argument,) will be thought dangerous by, and spread great alarm amongst the fair trader, from an apprehension, not ill founded, that ill-designing persons taking advantages of Mistake and Incaution may bring them within the predicament of incurring so heavy a Penalty.

I could add a great deal more on this Subject, but I fear your Lordship will think my preface is already too long: —

The paper now before me consists of two parts,

First, a calculation of the Quantity of Tea imported from China into Europe, and an Estimate of that portion of it which is consumed in Great Britain and its dependancies, the greater part of which, amounting to above Seven Million pound weight, is stated to be Smuggled —

Secondly, a proposition for taking off all the Duties on Tea both Custom and Excise, and substituting an Equivalent by an additional Duty on houses.

My observations on the first of these heads will be very short — The Calculation of the Quantity of Teas fairly and openly imported into Europe from China, is formed upon Authorities that cannot deceive; but that all that Tea, except about, 5,500,000 lb. W^t. (which is stated to be consumed in other Countries) together with all the Tea fraudulently brought home by the Captains and Officers of China Ships (which I believe to be, to the full, as considerable as it is stated to be) is consumed in Great Britain and its dependancies, is a fact that can neither be proved nor contradicted; but admitting it to be so, Yet as it will no longer be in the power of Great Britain to say, that, all the Teas consumed in Ireland and in the united States of America, (which I presume were included in the Authors description of dependancies) shall pass through the Medium of British Commerce, the advantage stated in the Plan to arise from an extentⁿ. of Commerce and Shipping, will, under the present circumstances of the State of this Kingdom, be considerably diminished: In truth, there is but too much reason to fear, that supposing all the Duties upon Tea were taken off and thereby all Smuggling prevented, yet under the measures Great Britain has been induced to adopt, in respect to Ireland and the Plantations the Importation of Teas by the India Company would hardly ever exceed 8,000,000 lb weight which I conceive to be nearly the Consumption of this Kingdom, because both those Markets may, and probably will be supplied through other Channels.

The Plan however, in this diminished estimate of it, comprehends still some advantage in point of extent of Commerce and Shipping, and the Objection, if it is one, does not affect that part of it, which relates to Revenue, abstractedly considered; because the Revenue derives little or no Advantage from Teas not consumed within the Kingdom. — and this leads me to the consideration of the second head, namely the taking

off all the Duties both Excise & Customs upon Tea, and substituting an Equivalent by an house Tax.

I have already stated to your Lordship, that my own Wishes dispose me to consider in the most favourable Light, every proposition that can be suggested, for such an Arrangement of Duties, as may have the Effect to check Smuggling, by removing the Temptation; but I must not suffer this partiality (if it may be called so,) to mislead your Lordship in a very important Consideration, and therefore in stating the plan now before me I will expose it in that Shape in which it will be most questionable.

It is then neither more nor less than this, That every person having in his or her occupation or possession, a House or Houses, be they ever so many, shall pay a certain annual Sum, proportioned to the number of Windows in such house or houses, for the privilege of drinking Tea free of all Duty.

This proposition I conceive involves several obvious Objections —

1st. It will be urged that this is in fact converting a Duty of Custom & Excise into a Tax upon Land. —

2^{dly}. That it is compelling Persons to pay a Tax for a commodity whether they consume it or not;

3^{dly}. That this Tax is grossly inequal, as it is confined to Housekeepers, whilst all other persons who are merely Lodgers, Boarders or Inmates, are totally exempt, altho they are of a Rank and description far better able to pay the Tax than the lower Class of Housekeepers.

4th. Because many persons who have the Misfortune, (for such it will certainly be in this case) to be obliged to keep up a number of houses, will also be obliged to pay the Tax for every one, when another person of the same Rank and capacity, not having the same incumbrance, will pay for one only.

The last of these Objections is easy to be removed, and the Author of the Paper has, with a great degree of acuteness, and by the aid of Calculation, endeavoured to answer the other Objections as they apply either to the publick or to individuals.

In considering the Measure as it affects the publick he shews the great Utility of it in the extension on the Commerce & Shipping of the Nation, and tho he reasons from relative Circumstances that are greatly altered, probably since his plan was formed, and consequently these advantages must be taken upon a much lower estimate, yet still, his reasoning on that head holds good in part

In considering it, as it applies to individuals, he seems aware of some

of the objections, and seeks to obviate them by shewing that there are few or none that do not drink Tea; but that if there were many such, they would have no reason to complain of the Tax, because, they would be Sharers in the general benefit that would accrue to the Community by the extension of the Commerce and Shipping of the Kingdom; and with respect to the Inequality he assumes a Merit from it, by shewing that notwithstanding so large a Number of Persons will be altogether exempt yet the Burthen upon those who do pay it will be so far from being increased that they will be gainers to a very considerable amount.

I will not presume to contend, that this Species of reasoning will prevail in Argument to obviate entirely the objections which have been stated, but I do not hesitate to say, that it is beyond the Limits of human wisdom to suggest any thing on such a Subject that will not be liable to some Objections, — that this Plan in so far as it is calculated to prevent Smuggling by an arrangement of Duty that removes the Temptation, meets my Ideas, and that, admitting the facts stated in the paper to be accurate, the reasoning from them both in point of Commerce and finance are at least plausible; and the great saving of Expence in Management is self evident; — But how far the total Suppression of the Duties of Customs & Excise on Tea and giving an equivalent by any Tax upon Houses is either politick or practicable is most humbly submitted.

If it should be thought adviseable to adopt what is proposed, the Tax on houses ought certainly to be taken at a higher Rate, because, if Smuggling could be prevented by other Means, which I am confident it cannot, the Duties on Tea as they now stand would on the Quantity now consumed in the Kingdom, produce a Revenue greater by one third if not by one half than what is proposed to be raised by the additional Rate on Houses which is stated only at £735,000.

I sincerely wish that something Similar to what has been proposed in respect to Tea, could be applied to the Case of Spirits, which is the next great Article of Smuggling; but I fear the Consumers of that Commodity are out of the reach of the same regulations, and the taking off the Duty upon the Commodity in order to lay it on the Dealer would have no Effect to prevent Smuggling, because the price to the Consumer and consequently the Temptation to smuggle would be the same.

Something however must be thought upon, not only to correct the Evil of Smuggling in this Article, but also to give relief to the fair Distillers who complain loudly, and with Justice, of the enormity of the

frauds committed in that branch of manufacture, and which threaten ruin both to them and to the Revenue.

A Variety of other Considerations press upon my mind but they will be the Subject of Official report.

The times, my Lord, require great Exertions and decided measures, & the slow operation of Official Deliberation, but ill suits with that activity, which had its foundation in habits of business, — which your protection & example has animated and a confidence in your measures has encouraged in

My Lord

Your Lordships

most respectfull &

most obed^t. humble Serv^t.

I. POWNALL.

DOCUMENT LII

Objections and Advantages to the
Plan offer'd for Commuting the
Duty on Tea to a House Tax.

27th. Jan^y. 1783.

Rec^d. from M^r. Brooksbank

Taking it for granted that the Data in the Plan are well grounded, The Advantages resulting from the Mode of Taxation will among others be these —

- 1°. Government will be relieved from the disagreeable Necessity of collecting the Revenue by a military force, or of enforcing with Rigor the Act of 19th. of Geo: 2^d. which is admitted to be a Sanguinary Law.
- 2°. A considerable Saving of Expense in Collection.
- 3°. Discouragement to Smuggling.
- 4°. Gain to the Consumer, to double the Amount of what he now pays on Account of Duty.
- 5°. Increase of Trade to the India Company.
- 6°. Relieving fifty thousand Traders from the Survey of Excise Officers, and repealing numberless Penal Laws.
- 7°. An End to Fraud and Perjury in y^e. Commerce of Tea, which is no small Article.
- 8°. Relieving the Excise of an intolerable Burthen, which lies so heavy

a Weight upon the present Management, as very much to interfere with the Attention to other Duties equally important.

Objections.

- 1°. The Novelty of it.
- 2°. That it is compulsory upon those who do not as well as upon those who do drink Tea. But the Number of these being small, y^e. Objection is of little Weight.
- 3°. That the Consumers of the Excess above the five Millions of Pounds Weight, do not at present pay anything on Account of Duty — But this instead of being an Objection, should be a great Recommendation of the Tax.
- 4°. That it will be called a Tax upon landed Property — Be it so, But if the landed Man is clearly and substantially benefited, What signifies the Name?
- 5°. The Difficulty to persuade Mankind in general, in Matter of Duties, That it is better to pay a small Sum in advance, and thereby to save a much greater, which they pay but do not see it, when the Commodity is itself taxed.
- 6°. That if the Price of Tea should be hereafter raised at the India Sales beyond y^e. Averages stated in the Plan, The landed Property may in the Event have a Tax fixed upon it, and lose at the same time that Benefit, for the Sake of which they acqu[i]esced in The Tax — This being a real Objection, should be removed, and it may be done by a Law, enacting, that as often as the Price of Tea at the India Sales shall rise above the Averages stated in the Plan, The Ports shall be opened for the Importation of foreign Tea free of Duty; The India Company being to derive so much Benefit from their increased Importation, cannot in Reason object.
- 7°. That the Duty to be raised by this Mode of Taxation, being but little more than the present Duty, The Publick will hereby relinquish all the future Advantages, which would undoubtedly arise from a due Collection of this Revenue, and if the fact be true, that 8 Millions of Pounds do now escape Duty, This Objection seems to be a real one, and deserving Lord Shelburne's Consideration.
- 8°. That single Men, and Women Lodgers, will not be charged with the Tax — This is no great Matter, as the Consumption of a single Person is not much — But it may in some Measure be obviated by leaving every Tea drinking Place, and publick Place where Tea

is made, still subject to the Survey of the Excise Officer, and if the Duty shall be made to arise from the Decrease in his Stock, which may be easily done, It would bring in no small Revenue to Governmt. and indeed there is no Reason why Places of Entertainment, to which so many single People resort, should be favored in this Tax.

These upon a cursory Reading are some of the Advantages, and Objections which occur to me as arising from this Plan — But it should be remembered, that when this Duty is taken entirely from the Management of Excise, the preventing Smuggling will be no longer their Business — and as notwithstanding the low Price of Tea, it may still be worth while to introduce that which is foreign, therefore some Clerks should be provided.

Among the Advantages, It is to be presumed that the Practice of Adulteration or of Manufacturing Tea will be rendered less common.

DOCUMENT LIII

Gen. Conway's Plan
Against Smuggling.

3 Feb. 1783.

Gen. Conway present's his compliments to Lord Shelburne & sends him a Short and rough Sketch of a Plan which he mentioned to his Lord^{sh}. for the repression of Smuggling.

Little Warwick Street

3 Feb^y. 1783.

SKETCH OF A PLAN to prevent Smuggling in the South, & South Eastⁿ. parts of the Kingdom.

The loss to the Revenue by Smuggling is differently estimated, but by the lowest calculations is stated at some hundred Thousand Pounds perhaps Millions \pounds Annum.

The Smuggling on the Coasts of Kent and Sussex particularly, as also on the Norfolk & Suffolk side, has of late seem'd to be increasing and is now carried on in all those counties in the most daring and outrageous manner, by large bands of Men and in Open defiance of the Law.

This is prov'd by the continual applications for Troops to assist and protect the Revenue Officers, nor can any thing probably but a Military

force properly dispos'd & regulated in any considerable degree restrain and much less suppress them.

Shou'd the following plan be adopted, it is imagin'd that this evil wou'd be greatly diminish'd if not entirely cur'd in those parts.

The Coast of Kent and Sussex has been attentively examined, and by the nature of the Shores it appears that a number of Stations, not excessively great might be occupied so as to render it difficult if not impracticable, even for an Enemy in time of War to make a Landing, and much less for any thing but a regular attack in considerable Numbers to succeed in attempting it by Force.

As many of these Stations as shall be thought necessary should be occupied by Towers something like the Ancient Watch Towers. These having a small detachment of Soldiers in each, and having a good look-out towards the Sea, might by Signals give Notice of any Vessels approaching or Hovering³ near the Coasts and by the same means might give alarm to the Troops in the Neighbourhood to prepare and Assemble according to circumstances.

These Towers as a plan of Regular defence shou'd be placed at small distances: but for the purpose of Discovery might answer by taking the most eminent and advantageous positions, so as to have their Signals clearly understood: And as they would have Centinels constantly posted on their Tops, there wou'd be no intermission of their attention.

In the Rear of these a Line of Light Dragoons shou'd be stationed, who as well by Signals from the Towers, as by intelligence & information from the Revenue Officers, wou'd be ready to march and assist them in any Seizures to be made on plans concerted between them.

For this purpose considerable Corps of Light Dragoons must be constantly Quarter'd as well on the Kentish as on the Essex side of the River, sufficient to form a Connected Line on those Coasts.

And tho' this may be attended with some additional expence to Government, it must be Visible how amply they wou'd be repaid by the great improvement of the Revenue.

³ This may have suggested Pitts' Hovering Act, although previous Hovering Acts had been passed 9 Geo. II, ch. 35; 3 Geo. III, ch. 22; 5 Geo. III, ch. 43; and 19 Geo. III, ch. 69; see *House of Commons Reports* (miscellaneous, 1782-1799), Vol. XI, p. 282.

DOCUMENT LIV

Report of the Commiss^{rs}
of Excise; on Smugling.

To the Right Hon^{ble}. the Lords Commissioners of His Majesty's Treasury
May it please your Lordships

In obedience to your Lordship's Commands signified to us by Mr. Rose in his Letter of the 12th. December last, We have taken into Consideration the several Matters pointed out to us as proper Objects of immediate Attention, & have made a considerable progress therein — But as the pernicious practice of smuggling is (in every Light in which it can be view'd) becom[e] an Evil of so great Magnitude & Enormity as in Our humble Opinion to require an immediate Remedy, we have applied ourselves in the first place to the Consideration of that Object, & to the devising of such Methods as appear to us most effectual for that purpose —

The two great Articles of Smuggling, so far as it affects the Revenue of Excise, are Tea & foreign Spirits, the Excise Duties on which Articles, Amount annually at an Average to £950.000. If smuggling could be suppressed we may without hazard of Exaggeration estimate the Annual Amount of those Duties at more than Double that Sum, & this great loss to the Revenue added to what is sustained in the Articles of Coffee, Cocoa Nutts, Soap, Candles, & other excisable Commodities, and to that which the Revenue of Customs sustains in the various Articles of Customable Commodities, by this pernicious traffick, does we humbly conceive induce a necessity that the whole State of Smuggling should be investigated & that your Lordships should be fully informed, not only of the force & Violence with which it is carried on, in a manner that deeply affects the publick peace of the Kingdom, but also of those frauds & Artifices by which it receives Support & Encouragement, all which Violences and frauds are now become of so general practice, in more than the lower Orders of the people, that a due Sense of the Turpitude of it, & of the Guilt in a Violation of the Laws, are lost in the Advantage they derive from it.

It appears by the reports of several of our Collectors, & principally those whose Collections include the Sea Coast, that there are upwards of one hundred Vessels from 10 to 350 Tons Burthen, constantly employed

in smuggling: That most of those Vessels are armed with carriage Guns & Swivels, & are of such warlike Equipment as to be of a Strength & force far superior to any of the armed Vessels employed under the immediate Direction of the Revenue Boards, & consequently give a Security to this Contraband Commerce, which greatly diminishes the Risque to which it would otherwise be exposed.

We forbear to trouble your Lordships with a Detail of all the Outrages & Violences which at different times have been committed by those armed vessels, presuming they will be more fully stated to your Lordships by the Commissioners of the Customs.

One Instance however which has been represented to us, is of so extraordinary a Nature, that we think it may not be improper to mention it here for Your Lordship's Information.

The Representation states, that two Brothers of the Name of Carter, notorious Smugglers, & masters of several Vessels constantly employed in smuggling, have possessed themselves of a small Cove or harbour about 9 miles from Helstone in Cornwall, where they have erected a Battery with several Pieces of Cannon Mounted on Carriages under Pretence of a defence against the Enemy, but which is evidently designed to protect themselves & other Smugglers in their unlawful Commerce; that Goods are frequently secreted within the Reach of the Cannon, that upon two of our Officers under the Authority of a Warrant, & assisted by a Party of forty Soldiers, attempting to search the premises of the said Carters, they were fired upon by the Smugglers both from the Cannon & from small Arms, & tho they did at last search the Houses, yet they found the Cannon loaded with grape Shot, & the smugglers drawn up with lighted Matches in their hands seemingly determined to keep Possession of their Guns.

With respect to the Distribution of Smuggled Goods after landed, it appears, that in the Collection of Sussex the Goods are put on Shore under the Protection of large Gangs, to the Number of Eighty or One hundred persons, who are frequently seen passing loaded thro' different parts of that Collection; that on the Night of the 31st. December last, near 300 horses loaded with smuggled Goods passed thro Lindfield in their way to London, & that at the same time several hundred horses were waiting upon the Beach near Old Shoreham to receive the Goods landed from three large smuggling Vessels that were then lying off that place, from which Vessels as much Tea, Coffee, Spirits, Wines, Muslins & other goods were fraudulently landed, as was sufficient to load three Thousand Horses that the Supervisor of Lewes received Information, and

was actually called upon to attack a Body of Smugglers all loaded to the Number of Five hundred; but was obliged to decline for want of a sufficient Military Force to support him.

That Gangs consisting of from 30 to 60 Men and Horses pass almost every Week thro' some part or other of Rochester Collection; and that the Duty on the smuggled Tea and Spirits carried by means of these Gangs and other Conveyances thro' that Collection only, would amount to upwards of sixty three thousand pounds per annum; That the Officers in this Collection have not only met with great Opposition in their attempts to suppress those destructive Practices; but have in many Instances been beat in a most inhuman manner; The Supervisor of Maidstone was some time since so cruelly beat & bruised by a Gang of Smugglers that his Life was despa[i]red of; — Two other officers in the same Collection were treated with the like Inhumanity by several Smugglers and very lately the Officer at St. Mary Cray was so exceedingly beat and bruised by some Smugglers from whom he made a small Seizure, that he was a considerable Time under the care of a Surgeon; & such is the Misfortune of two of those Officers, that from the Wounds they received they are never likely to recover their Health and Strength.

That in Canterbury Collection, smuggling is carried on to a very great Extent, and with Impunity; the Goods being landed and removed under the Protection of large Gangs who assemble for that purpose; and that seldom a day passes but these Gangs are seen assembled or travelling in one part or other of that Collection — That on the 7th January last four Excise Officers assisted by eight Dragoons attacked a Gang of between fifty & sixty Smugglers, all loaded, who defended themselves for some time very obstinately against the Officers and Soldiers with large loaded Whips, having Hammers & sharp Hooks at the Ends, and one or more with Hangers; That several of the Soldiers were wounded, and could make Seizure of but a small Part of their loading — and that it is not two years since a large Gang of Ruffians, with Fire Arms and other offensive Weapons violently attacked several of our Officers, and some Dragoons who had seized a Quantity of Tea & Spirits, which they rescued; and fired upon and killed two of the Dragoons and wounded two others.

That large Gangs are frequently seen to pass thro' Surr[e]y Collection; and in Essex Collection the Smugglers are become very numerous, and the Quantities of Goods fraudulently landed upon the Coast of Essex & dispersed thro' that Country is very considerable.

That in Lynn Norwich and Ipswich Collections, the smuggled Goods

particularly Tea & Spirits are received on Shore by Gangs consisting of from 50 to 100 desperate and daring Fellows, who protect the Goods and by Relays of Horses and light Carriages, remove the same, in one Night, 70 or 80 Miles into the Country.

That in the Collection of Ipswich only it is computed that 4000 lbs. Wt. of Tea & 2000 Gallons of Spirits are run weekly; the Inland Duty upon which on an average for one year, would amount to near seventy Thousand Pounds —

It happened no longer ago than the 31st. of December last, that our Supervisor of Wells District, having received Information of some smuggled Goods, took to his Assistance a party of Dragoons, & seized 18 Bags of run Tea; but was soon after pursued by a very powerful Gang of Smugglers, who rescued the Tea & wounded the Supervisor in a very desperate manner beating out one of his Eyes and leaving him in a very deplorable Condition.

That in November 1781 the Supervisor of Saxmundham District, assisted by a party of the Suffolk Militia, having made Seizure of a considerable Quantity of Rum Tea & Spirits, were attacked by a large Gang of Smugglers armed with loaded Whips and Bludgeons; and beat in a most cruel Manner, the Supervisor in particular whose Arm was fractured in two Places; & the Goods afterwards rescued.

That but a short time before, an Innholder at Rainham in Norfolk, being suspected of giving Information against the Smugglers a large Body of them assembled and ransacked his House in Search of, and with intent to murder him.

In Cornwall Collection immense Quantities of Goods are fraudulently landed and conveyed thro' the Country in the most daring Manner, by Gangs consisting frequently of 100 Men and Horses.

It is but a short time since the Supervisor of Liskeard in attempting to make seizure of some Run Goods was set upon and murdered by a Body of Smuglers.

In Exeter, Barnstaple, Taunton & Tiverton Collections, which comprehend the Counties of Somerset & Devon, it appears that Smuggling abounds to a very great Degree; that the Goods, as in Cornwall, are received on Shore, and dispersed thro' the Country by and under the Protection of very powerful Gangs of Smugglers, armed with Pistols, Cutlasses and other Offensive Weapons; and in the Collection of Barnstaple, it is the Opinion of Our Collector, who is a very capable and Intelligent Officer, that nine Tenths of the Tea and Spirits there consumed, are smuggled.

In Dorset Collection it appears that Smuggling was never carried on to a greater Degree than at present; and that the number of Waggon and Horses employed in removing the Goods after landed, is very Considerable indeed!

Great Quantities of Smuggled Tea appear to be fraudulently introduced, & consumed in the City of Bristol; and in Bath Collection it appears that Smuggling is carried on to an Extent, and with a degree of Violence never before known; that the Smugglers travel armed in large Gangs; That the Supervisor of Bath a short time since, accompanied with Two Officers and some other Persons (in Consequence of an Information received) made seizure of a large Quantity of Run Goods concealed in a Barn, which was almost immediately rescued by a Gang of Smugglers armed with Fire arms and other offensive Weapons, who beat the Supervisor and Officers in a most cruel manner, and that the Supervisor of Frome with three of his Officers, soon after meeting with a gang of Smugglers loaded, attempted to seize the Goods, but were fired upon by the Smugglers, and one of the Officer's Horses Shot under him, that several of the Gang presented Blunderbusses and obliged the Officers to retire.

That great Quantities of Smuggled Tea & Spirits are brought from the Coasts of Dorset and Hampshire into Marlborough Collection, and that nine Families in ten purchase those articles of the Persons employed by the Smugglers to dispose of the same; That very considerable Quantities are conveyed thro' that Collection into the Counties of Oxford Worcester & Warwick, by means of large Gangs of Desperate Fellows armed with Pistols, Hangers, and other Weapons; That in August last an Excise Officer and a Person whom he took to his Assistance attempting to stop the Smugglers with loaded Horses, were fired upon by the Smugglers, who killed the Horse of the Officer, and rode off without further molestation.

That in Salisbury Collection, Smuggling is not only carried on in the most extensive manner, but even in Defiance of all Law and Government; The Gangs are large and Numerous, who protect immense Quantities of Tea, Spirits, and other Goods conveyed thro' the Country in Waggon & on Horses: — That only a few days since, Our Collector, a Supervisor and Four Officers, assisted by a Party of Foot Soldiers, having made Seizure of a Waggon Load of Run Tea and Spirits, were pursued by a Gang, consisting of between 80 and 100 Smugglers, who rescued the goods and beat and abused the Collectors & Officers very desperately, leaving two of the Officers Weltring in their Blood, who were

afterwards taken care of and sent home in a Post Chaise by a neighboring Gentleman; and by the Report of a Person out of the Solicitor's Office, who was ordered to go to Ringwood and take Depositions against the Persons concerned in the said Outrage, and Rescue; it appears, the Smugglers are become so violent and daring that the Revenue Officers are afraid to go out of the Town upon Survey, and that the security of the Revenue is unavoidably left to, and depends upon the Honesty of the Traders; That the whole Country was in Constant Alarm and Terror, and that Gentlemen of Credit and Reputation declared, unless a Stop were put to the Violence of the Smugglers, no Person, who set his Face against them, could live in the Country; and that they would remove out of it, if a Speedy Stop were not put to their Proceedings.

In and upon the Borders of Reading Collection, the Smugglers travel in large Bodies, carrying Fire-arms and other Offensive Weapons, setting the Officers at Defiance; — that a few months ago, as three of Our Officers were removing 61 Bags of Tea, which they had seized, to a Place of Security, they were pursued by twelve Men with Blacked Faces, having Fire Arms and other Offensive Weapons, who beat two of the Officers very cruelly, and dangerously wounded the other; after which they rescued and carried off the Tea.

That very great Quantities of Tea and Spirits are landed from Smuggling Vessels upon the North Coast of Yorkshire, and dispersed thro' the whole Country — That in several of the Neighbouring Collections Smuggling abounds very much and that in some parts of Wales great Quantities of Tea and Spirits are landed under the Protection of large Gangs of Men assembled for that purpose, which is afterwards dispersed thro' and consumed in the different adjacent Counties.

That a considerable part of the Tea and other Goods conveyed through the Country by those armed Gangs, is deposited in convenient Places in the Vicinity of London, from whence it is brought into the Stocks of entered Dealers.

That Stockwell, a Hamlet in the Parish of Lambeth has long been a place of Resort and Security for the Smugglers, who were there grown so numerous and resolute that no Officer dared venture to molest them, without a very large Military Force; no less than Six Instances having occurred within a very few Years past, wherein the Revenue Officers, attempting to make or having made Seizure of run Goods, have been beat and wounded in the most inhuman Manner, That by the Reports of Our Officers not less than 50 or 60 Horse Load of Smuggled Goods were brought into, and secreted, or secured in that Hamlet Weekly —

and a Gentleman of Credit and Fortune who has a House in that Neighbourhood a short time since found a large Quantity of Tea concealed on his Premises, and declares he would have sent for an Excise Officer to seize it, but through Fear of being murdered, or having his House set Fire to; and to such a Pitch of Violence and Audacity were they arrived, that we were obliged to apply to the Secretary of War for a Party of Soldiers to be stationed at Stockwell, to assist and protect the Revenue Officers in the Execution of their ordinary Duty.

The foregoing Facts represent Smuggling in a State of it, equally destructive to the Revenue, and dangerous to the Peace of the Kingdom; But Your Lordships will find from what is to follow, that it is but a part of the Evil that calls for immediate Remedy; the manner in which the Articles of Tea and Spirits illegally imported are brought into Consumption, without Payment of Duty, Exhibits Instances of such gross Fraud, Perjury, and Forgery, as cannot fail to impress the strongest Conviction of the Necessity of applying an immediate Remedy to such great Evils.

It may not be improper to acquaint Your Lordships, that this Species of Fraud, as it regards the Article of Tea, is effected by falsifying or counterfeiting Permits, or procuring them of Officers by Bribery; but more particularly by fraudulent Dealers in London, who either in their own, or in the Names of indigent and obscure Persons, make Entry of Houses for Selling Tea at convenient Places on the Borders of the Town within the Bills of Mortality to which Houses they send Permits as if the Tea was sent therewith, whereas in Truth no Tea accompanies the Permit, but a Quantity answering to that specified therein is either previously sold by Retail, or otherwise privately disposed of, and an equal Quantity of Smuggled Tea is introduced into the Stock of the Person to whom the Permit is transmitted, and soon after brought into the Stock of the Person from whom the Permit was originally sent, or into the Stock of some other Dealer in Connection with him.

Other fraudulent Dealers, particularly in the Spirit Trade, have either by themselves or some Persons dependant upon them, make Entry of Houses for selling Liquors in the Towns and Villages upon the Sea Coast of Kent, Essex, and Sussex, and as often as they have or can conveniently make Decreases in their own Stocks, they draw Permits, as tho' they were intended to accompany and protect Liquors to those Places; but are in fact forwarded by Post, or some other expeditious Conveyances to their Correspondents who by means thereof introduce large Quantities of smuggled Spirits into their Stocks, the whole of which is immediately afterwards removed by regular Permits to London, and brought into

the Stocks of fraudulent Dealers with a Degree of Security that renders it very difficult to make such a Discovery of the Fraud, as would be sufficient to convict any of the Parties concerned therein.

By these Artifices it appears that the Duty on the Smuggled Goods introduced into the Stocks of fraudulent Traders, in one Year in the District of Greenwich only, would amount to Twelve Thousand Pounds.

That in Surrey Collection, within three Months 14,894 Pounds weight of Smuggled Tea and 7,047 Gallons of Spirits, have, by the same means been securely brought into the Stocks of entered Dealers And it appears that in a short space of Time, Twelve Thousand eight Hundred eighty four Gallons of Smuggled Spirits have been introduced into the Stock of one Trader only in the Collection of Essex.

Upon an Enquiry, some Time since it appeared, that in the Hamlet of Stockwell & the adjacent Places, within the Space of one Month only, 38,455 Pounds of Tea, & 3747 Gall^s. of Spirits, were brought into the Stocks of Entered Dealers by the same Means.

And by the Accounts lately extracted from the Books of our Officers in London, it appears, that the Duty on the Foreign Spirits which have been sent from the Stocks of fraudulent Dealers upon the Coast of Kent &c. and received into the Stocks of Entered Dealers in London, would amount on an average, for one year only, to Forty five Thousand four Hundred & twenty six Pounds.

It would be unnecessary, if not endless to state to your Lordships all the Information we have received respecting the Outrages, & Violence of the Armed Gangs of Smugglers, and the Frauds and Artifices practised by Dealers to evade the law; what we have already stated will be sufficient to Shew, not only the Injury which is done to the Revenue, but also the Manner in which the public Peace of the Kingdom is violated and disturbed by these Desperate Gangs. The Injury done to the Revenue of Customs and Excise is not however to be solely attributed^d. to Smuggling, supported by the Violence & encouraged by the Frauds we have stated; — The Revenue arising, or which ought to arise, from Tea in particular, suffers very greatly from Smuggling in two branches we have not yet stated, — That is to say, —

1st. By the fraudulent Manner in which it is landed without Payment of Duty from on board the Ships from China.

2^{ndly}. By the re-landing a great part of what is exported to Ireland, to which Kingdom it now goes with an Exemption from all Inland Duties & a Drawback of the greatest part, if not the whole, of the Custom Duties, paid on Importation.

With respect to the first of those Branches of Smuggling, it is well known that when Ships are expected to arrive from the East Indies, numbers of Smuggling Boats, and Vessels of all Descriptions and Sizes, and from every part of the Coast, do cruize for them in the British Channel and that from the Fleet's entering the Channel to its' arrival in the River Thames, a constant Traffick is carried on with them by those Smugglers, the larger Vessels, when loaded, going to Dunkirk, Flushing and other foreign Ports, and the lesser ones bringing their Ventures on Shore; and it is well known that some Captains of China Ships have have (*sic*), by these means, Smuggled many Hundred Chests of Tea on their own Account.

In October 1781, Goods to a large Amount were known to have been landed at Deal from on board some homeward bound India Ships then lying in the Downs, & Altho' several Officers were, upon Information, sent to Seize those Goods, and were supported by a body of His Majesty's Forces, consisting of several hundred Men, yet such was the Resistance made by the Inhabitants of this emporium of Smuggled Goods, that partly from that, & partly from the timidity, if not collusion of our Officers, the Goods were either carryed off openly in Smuggling Vessels, in the face of the Officers; or left to the Smugglers under the Security of a Compromise.

It is not only during the passage of the Ships to their Moorings in the Thames that this traffick is carryed on, it is well known, and falls within the Observation of every Man, that from that time until they are unloaded, the places near which they lye, are crowded with Smugglers of every Description, as people resorting to a Fair, and the River is covered with Boats day & night watching the Opportunity to convey Goods out of every port-hole of the Ship, and we are sorry to say, that this species of unlawful traffick, is encouraged and protected to a great degree by the connivance and corrupt practices of the lower class of Officers belonging to both Customs and Excise, whom, no consideration of Duty or Conscience, or fear of discharge, can controul or restrain.

With respect to the relanding Teas exported to Ireland, free of Duty, it is an Evil which of late has increas'd to a very great degree. — The Average Amount of the Quantity of Tea exported to Ireland for a period of three Years, ending at Midsummer 1778, was, 2,114,360 pounds Weight, for the like period ending at Midsummer last it amounted to 4,169,211 Pounds Weight, — The Quantity exported in Six Months from that Period is 1,398,195 pounds Weight; and one Exporter only has lately taken out 1200 Chests from the Warehouses to be exported to

Ireland. all or the greatest part of which Tea, so exported to Ireland, is stated to Us by respectable Dealers to be sent thither for the sole purpose of being Smuggled again into Great Britain upon the West and Northwest Coast.

In considering the Remedies to be applied to an Evil which consists of such a Combination of Force and Violence, Fraud & perjury: We beg leave, before we submit to Your Lordships any propositions respecting the Execution of the Laws as they now stand, or enacting any further penalties, to suggest that the very high Duties upon Tea & Spirits, particularly upon Tea which amounts to no less than 75 ¢ cent, upon the prime Cost thereof, must always be such a Temptation to the Contraband Introduction of it, that no laws however penal, can hold out a prospect of a Radical Cure for so great an Evil; it may be checked, but cannot in Our humble Opinion be effectually suppressed by such Laws.

The total Abolition of those Duties or even any Reduction that could have the effect to remove the Temptation is a proposition which we conceive, in the present Situation of this Kingdom, is inadmissible, unless the Revenue could be compensated, in some other Shape.

Such a Compensation must not be sought for in any Addition to the present Duties, on other exciseable Commodities: but if any Judgment could be formed of the Consumption of Families, or Individuals, so as to Impose a Duty in another Shape proportionate to that Consumption, it may be made to appear, that, at the same time, that the Revenue would be considerably increased, the Consumer himself would be eased of a large Share of the Burden he now bears, and the Temptation to Smuggling entirely removed, at least in those Articles to which such a plan would apply, namely Tea, Soap, Candles, & Leather

A Consideration of this Nature does not we conceive fall immediately within the Meaning of any part of the Reference, to which this Report is an Answer:

It is not however altogether foreign to the subject and therefore we presume to mention it, to the End, that if Your Lordships should be of Opinion that the Idea may be brought forward into any practicable plan we may receive your Lordships Directions to make it the subject of a Separate Report.

We have in the Introductory part of this Report, stated the Support and Encouragement which Smuggling receives from the Frauds and Artifices of Entered Dealers, and if any Law could be suggested which by proper penalties might prevent the Operation of those Frauds, it

would, next to the abolition of Duties be the surest Means of striking at the Root of the great Evil of Smuggling for if Smuggled Goods could be once stopped in the Channels thro which they make their Way into Consumption the Advantage would be lost in the Risque, and consequently the Temptation greatly lessened, if not removed. And therefore We do not hesitate to propose to Your Lordships —

First, that no person shall be allowed to Deal in Coffee Tea Chocolate or Spirits, unless such person shall at the Time of making his Entry, be rated in his Own name and pay to the parish Rates —

Secondly that every Dealer in Coffee Tea Chocolate or Spirits shall be considered as the lawful Occupier of all the Rooms and Premises belonging to the House or Houses in which he shall inhabit or carry on his Trade and be subject to all penalties that may be incurred by harbouring or concealing Tea, Coffee, Chocolate or Spirits in the said House or premises —

Thirdly If any Dealer in Tea, Coffee, Chocolate, or Spirits shall be charged with committing any Offence against the Laws of Excise knowingly to defraud the Revenue, and shall be a second time Convicted thereof, such Dealer shall not only be liable to the Penalty incurred, but also subject to Incapacity in carrying on his Trade or Business for such Term, and under such Modifications, as shall be thought proper and expedient —

Having suggested to Your Lordships the Possibility of such an Arrangement of the Duties upon several Exciseable Commodities as would have the Effect to remove the Temptation to Smuggling and having proposed such a Mode of checking Frauds in Entered Dealers as would have to a Great Degree the same Effect, We shall proceed in the next Place to the Consideration of those Measures which may, in the abstract view of them, be proper for restraining Smuggling in the violent Manner in which it is carried on by Armed Gangs; and which is the more immediate Business of this Report.

In offering to Your Lordships our Sentiments upon this Subject, we shall proceed with the greater caution, because it is obvious in the very outset of it, that the object is unattainable by any other means, than enforcing with vigour those Laws which tho' they have been found indispensably necessary, have nevertheless been considered as very penal and severe; and the Provisions of which would in the Execution of them be nugatory, in almost every Case to which they apply, unless carried into Effect by the assistance of Military Force.

We shall forbear troubling Your Lordships with any Observations

upon the Statutes of the 8th. Geo. 1. and 9th. Geo. 2; the Preamble to the Act of the 19th. Geo. 2. is full evidence of the Ineff[ic]acy and Inutility of those Laws. It recites “ That the Enormity still subsisted in Defiance of the Laws and to the utter subversion of all Civil Government and “ that the Laws for securing the Revenue of Customs and Excise, enforced by new Penalties and Provisions ought, for the sake of the Fair “ Trader the Security of the Publick Revenue, the Quiet and Safety of “ the Kingdom, and the Honor & Dignity of Government, to be most “ rigourously & strictly put in Execution.”

And therefore it not only makes all the Offences which by former Laws were punishable by Transportation; Felony without Benefit of Clergy wheresoever committed; but also enacts that any Persons even charged with such Offences, if they shall not surrender themselves within forty Days after their names are published in the London Gazette, shall be outlawed and suffer Death as Felons; and to secure the Revenue against partial Verdicts, it further enacts, that Indictments shall be removed out of the County where the Offence was committed, into any other County.

The History of the Transactions of those Times will shew the Effect of this Law in the total Suppression of Smuggling, in the Violent and Outrageous Manner in which it had been carried on: And we have reason to beleive, that so long as the Act was enforced the revenue was secured against such Outrages; but how soon the Act fell into disuse we are not able to say nor at what period Smuggling by force of Arms, began again to be practised, any further [than] that it has for many Years been an encreasing Evil, and at this moment is arrived to a Degree of Enormity little short of that stated to exist in the 19th. Year of His late Majesty —

It may here be asked, why, if in Our Opinion the Statute of the 19th. Geo. 2. had once the Effect to eradicate the Mischief, we have not proceeded upon it at this Time, when all the Enormities particularized in the Statute exist in their full Force; and we think it incumbent upon us to satisfy your Lordships herein, and to shew that we have not been inattentive to Our Duty in this very important Business.

Accounts having been repeatedly transmitted to Us by Our Collectors and Supervisors of the Violence offered to Our Officers by the Gangs of Smugglers armed with loaded whips, and some with Fire Arms, and of great Quantities of Smuggled Goods daily passing thro’ the Counties upon the Sea Coast, under their Protection, we took into Our Consideration the Expediency of proceeding upon this Law of the 19th. Geo. 2.;

and so long ago as the year 1778, consulted with Our Solicitor who reported to Us that Mr. Justice Blackstone in his Commentaries had declared it to be his Opinion that the Methods and Orders in the said Act directed and prescribed, relative to the apprehending and harbouring the Offenders therein mentioned, or for causing such Offenders to surrender were not re-enacted or continued by the several Acts, whereby that Statute had from time to time been continued.

Your Lordships we humbly submit will hold us Justified in not attempting the Execution of so penal a Law, while so able a Judge doubted of its being an existing Law:

Thereupon we made immediate Application to the Lords Commissioners of His Majesty's Treasury to have it re-enacted, which was accordingly done, in the next Session of Parliament, and all the Doubts, as we apprehended, effectually removed.

Very soon after this some of our Officers were attacked near Woodbridge in Suffolk, by a Gang of Smugglers, beat, and almost murdered and the Goods rescued, and thereupon our Collector was directed to procure the proper Information to be certified to the Secretary of State in order that the Outlawry Clause might be enforced against the Offenders. These Informations being transmitted to the Secretary of State & by him to the Privy Council, were by them sent to His Majesty's Attorney General, who expressed some Doubts of the Propriety of enforcing the Statute (as reported to us by our Solicitor who attended him upon that Occasion) which is the reason we have not proceeded upon it with that Vigour, which the Necessity of the Case may seem to your Lordships to require, and We trust We shall have Your Lordships Approbation in proceeding thus Cautiously. —

But the great increase of Smuggling, and the Violences which have been committed, in the Manner in which it is now carried on, having induced Your Lordships attention to this Subject, and You having thought fit to call upon us for our Opinion, as to the most effectual Means of preventing the same; the Act of the 19. Geo. 2. has been again called forth into Consideration, as holding out the only means, by which, in Our Opinion, Smuggling, in this State of it, can be effectually suppressed; and that no Doubt might remain upon our Minds, we have thought it our Duty, to request, in a personal Interview with the Attorney General, his Opinion & Advice in a Question of such Magnitude & Delicacy; and having attended him at his Chambers the Night before last, he was pleased, after an Attentive Hearing of what we had to offer upon the Subject, to deliver to us his Opinion, that the Act of the 19.

Geo. 2. was completely in force, in the full extent of it; and that it would be adviseable under the present Situation & Circumstances of Smuggling, to proceed upon that Act in every Instance of Offence that fell within the Description of the Cases that are the Objects of Punishment by that Law.

Encouraged by so decisive an Opinion, and by Assurances of Assistance from the first Law-Officer of the Crown, we do not hesitate to declare our humble Opinion that by carrying this Act of the 19th. Geo. 2. into Strict Execution, by the Revenue Boards forming such Establishments as shall be necessary for that Purpose, and by some new and more general Arrangement of a proper Military Force Stationed & Authorized to Act in Conjunction with the Revenue Officers, the Gangs of Smugglers which are now become more numerous and as daring in Outrage and Violence as when that Act was passed, may be effectually suppressed.

And if Your Lordships should concur in this Opinion we shall so soon as we receive Your Lordships Commands upon that Subject exert every Means in our Power for carrying this Law into Effect.

All which is humbly submitted. —

EXCISE OFFICE
LONDON
15th. February 1783.

We are,
Your Lordships,
most Obedient and
most humble serv^{ts}.
W. LOWNDES
W^m. BURRELL
ST: BROOKSBANK
I. POWNALL
CHA^s. GARTH
W. WISH
G. J. CHOLMONDELEY

TECHNICAL TERMS NOT EXPLAINED IN THE INTRODUCTION OR IN THE NOTES

Amercement.—Literally the whole property of a person amerced was placed at the mercy of the Crown. However, when the power was not abused a jury or tribunal assessed an amount depending upon the nature of the offense and upon the convicted person's capacity to pay.

Assize.—This term may mean at least half a dozen different things: a session or sitting; a royal decree; a form of legal action; a jury; a regulation of prices; and, at the present time, a session of the King's judges as they go about or circuit.

Chase.—A forest in the possession of a subject. Sometimes, after being resumed by the Crown, they were still called chases.

Chiminage or cheminage.—From the French *chemin*. A fee collected for allowing passage through a royal forest.

Estovers.—The right of a person, usually a tenant, to wood for fuel. *Bote*, in one sense, has a similar meaning, but is employed in various senses, e.g., house bote may mean right to sufficient wood to repair a house. 'Estovers' is also used in the sense of alimony, or for the supplies to which a felon and his family are entitled while in prison.

Free trader.—A name which smugglers applied to themselves.

Jerquer.—A searcher, from the French *chercheur*.

Park.—An inclosed area where deer and other beasts of the chase were kept. Forests and chases were not inclosed.

Purlieu.—"Land added to a forest by unlawful encroachment, but afterwards disafforested, and restored to the former owners, its bounds and extent being settled by perambulation." It sometimes enjoyed certain privileges and was subject to certain restrictions. It was usually under the control of rangers.

Purpresture.—Encroachment in forest rights, for example by building a house within the area.

Rape.—A division between a hundred and a shire in Sussex.

Turbury.—Rights of cutting turf.

Warren.—A privileged area where "vermin," e.g., hares, rabbits, partridges, pheasants and other beasts and fowls were preserved.

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